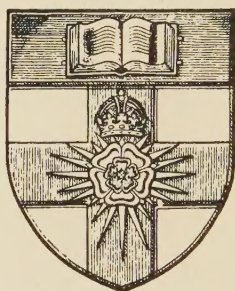
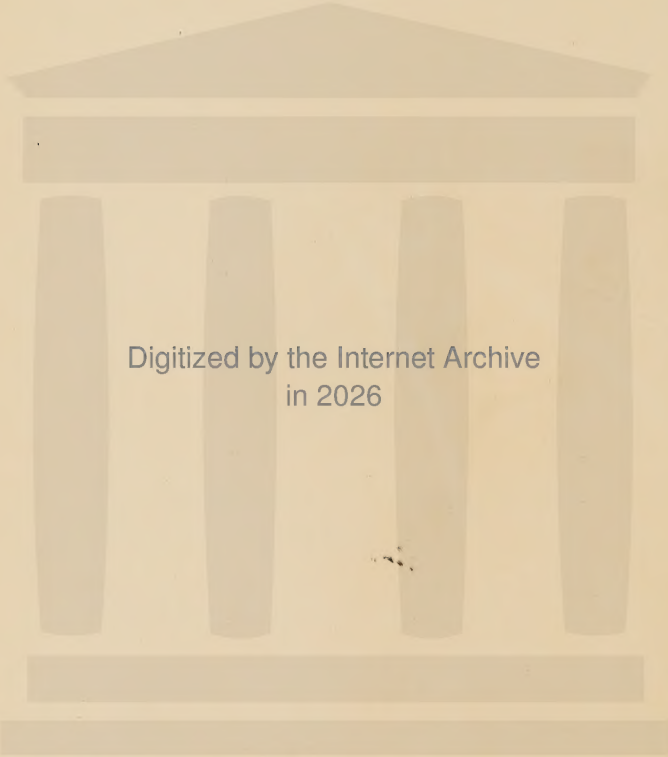


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THE INSTITUTION OF SURVEYORS.

TRANSACTIONS.

VOL. VII.

SESSION 1874-75.



LONDON :

PUBLISHED AT THE ROOMS OF THE INSTITUTION,

12, GREAT GEORGE STREET, WESTMINSTER, S.W.

[ENTERED AT STATIONERS' HALL.]

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LONDON:
PRINTED BY GEORGE PHIPPS, 18 & 14, TOTHILL STREET,
WESTMINSTER.

CONTENTS.

PAGE.		NO. OF PAPER.	AUTHOR OF PAPER.	DATE.
v	List of Officers, Session 1874-75			
vi	Objects, &c., of the Institution			1874.
1	Opening Address, as President .	50	T. HUSKINSON.	Nov. 16
27	Agricultural Geology (No. 3. South Western District)	51	W. STURGE .	Dec. 7 1875.
59	The Landlord and Tenant Question	52	J. E. KNOLLYS .	Jan. 4
85	Discussion on Mr. Knollys' Paper			Jan. 18
117	Adjourned Discussion on Ditto			Feb. 1
145	Adjourned (Final) Discussion on Ditto			Feb. 15
177	The Rating of Country Mansions .	53	E. RYDE . .	March 1
213	Discussion on Artizans' Dwellings' Bill	54		March 1
231	Discussion on Mr. Ryde's Paper			March 15
257	Adjourned Discussion on Artizans' Dwellings' Bill			April 12
273	Large Farms <i>versus</i> Small Farms .	55	W. L. HUSKINSON	April 26
295	Discussion on Mr. W. L. Huskin- son's Paper			May 10
321	Annual General Meeting, and Elec- tion of Officers, 1875-76			
323	Report of Council			
328	Statement of Receipts and Ex- penditure, 1874			
APPENDIX.				
330	Memoir of William Culshaw			
331	„ Thomas Marr Johnson			
332	„ Lucius Henry Spooner			
333	List of Donations and Contributions			
337	The Institution Dinner			
344	List of Members and Associates			

NOTE.



THIS Institution does not, as a body, hold itself responsible for statements made or opinions expressed, either in the Papers read or in the discussions which have occurred, at the Meetings.

The Institution of Surveyors,

12, GREAT GEORGE STREET, WESTMINSTER, S.W.

OFFICERS, 1874-75.

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THIS COUNCIL WILL CONTINUE UNTIL MAY 1876.

The Institution of Surveyors

Is established—

1. To secure the advancement and facilitate the acquisition of that knowledge which constitutes the profession of a Surveyor, viz.—the art of determining the value of all descriptions of landed and house property, and of the various interests therein; the practice of managing and developing estates; and the science of ad-measuring and delineating the physical features of the earth.
2. To promote the general interests of the profession, and to maintain and extend its usefulness for the public advantage.

THE INSTITUTION consists of three classes, viz.—MEMBERS, ASSOCIATES, and HONORARY MEMBERS, with a class of STUDENTS attached.

A MEMBER must be more than twenty-five years of age, and have acquired a practical knowledge of surveying in one or other of its branches as above defined, and so practised on his own account for more than five years; or be a member of a firm of surveyors established upwards of ten years; or in partnership with a surveyor of ten years' standing. Every Member is eligible for election on the Council, for election or appointment to all offices of the Institution, and entitled to all its rights and privileges.

AN ASSOCIATE must be more than twenty-one years of age, not necessarily a surveyor by profession, but his pursuits must be such as to qualify him to concur with surveyors in the advancement of professional knowledge. Associates are not eligible for the offices of President or Vice-President, but are eligible for election on the Council or for election or appointment to other offices of the Institution; they have

access to the Library, subject to the regulations of the Council, and are entitled to vote and take part in the affairs of the Institution at all Annual, Ordinary, and Special General Meetings of Members and Associates.

An HONORARY MEMBER must be a person who, either by reason of his position or his eminence in science and experience, may be enabled to render assistance in promoting the objects of the Institution, but who is not engaged in practice as a surveyor in Great Britain or Ireland. He has the privilege of being present and taking part at all Ordinary General Meetings, and of access to the Library, but no right of voting, discussing, or otherwise interfering in the affairs of the Institution ; nor is he called on to contribute to its funds.

STUDENTS, not under eighteen years of age, may be admitted by the Council on the recommendation (according to a form) of four Members and two Associates, or of the Member or Associate to whom they are or have been articleed, and they may remain Students of the Institution at and during the pleasure of the Council, until they attain the age of twenty-one years, when they shall cease to be Students.

The Council may accord to Students such privileges, subject to such terms, regulations, and restrictions, as they shall from time to time prescribe.

Any person desirous of being admitted into the Institution (excepting to the class of Students) must be proposed and recommended according to a form, in which the full name, place of business (if any), usual residence, and qualifications of the candidate must be distinctly specified. This form must be subscribed by him, and signed by at least six Members or four Members and two Associates, certifying a personal knowledge of the candidate.

The proposal so made, being delivered to the Secretary, will be submitted to the Council, who, on approving the qualifications, will determine the class for which the candidate is to be presented for ballot at an Ordinary General Meeting of Members and Associates.

The following are the rates of contribution to the funds :—

	Annual Subscription.				Admission Fee.		
	£	s.	d.		£	s.	d.
<i>Student</i> . . .	1	1	0	.	—		
<i>Associate</i> . . .	2	2	0	.	3	3	0
<i>Member</i> . . .	3	3	0	.	5	5	0

An Associate may compound for his annual subscription for twenty guineas, and a Member for thirty guineas.

With the view of forming a Library and Collection, all Members and Associates are expected, within twelve months after their election, to deliver to the Council an original Paper on some subject connected with the profession, or to make a donation to the Library or Collection.

The affairs of the Institution are under the management of a Council which is elected annually, consisting of a President, four Vice-Presidents, twelve Members, and two Associates. Besides the above, the Past Presidents, and the President or Chairman of any local Association in alliance with this Institution, are Members of the Council *ex-officio*.

The Session of the Institution commences annually on the second Monday in November, and continues to the end of May. The Ordinary General Meetings are held on every alternate Monday during the Session. At these Meetings original communications are read on some professional subject, and their merits fully and freely discussed. Every Member and Associate has the privilege of introducing one visitor to these Meetings. Members and Associates are entitled to a copy of any printed publication issued by the Institution after their admission.

THE OPENING ADDRESS

BY

THOMAS HUSKINSON, PRESIDENT,

AT THE ORDINARY GENERAL MEETING OF

THE INSTITUTION OF SURVEYORS,

NOVEMBER 16TH, 1874.

GENTLEMEN,

In rising to address you from the Chair, to which by your kindness I have been elected, I beg you to believe that I am very sensible of the honour which you have conferred upon me, and also of the responsibility which I incur in assuming the discharge of the duties of the President of this Institution. I cannot but be aware of the disadvantage it is to me to follow gentlemen so eminent in their profession as the Presidents who have preceded me. I am so far fortunate, however, in accepting the duties at a time when the Society may be considered as firmly established, and when the difficulties incident to all new institutions of the kind have been surmounted by the energy and ability of my predecessors.

Though I may claim some personal share in the formation of the Institution, I cannot but admit that it is to the efforts of your previous Presidents that its present position and success are mainly due. The work which is left for me and my successors will be to carry out the course of action which they have so skilfully initiated. I need not recapitulate the successes of the Institution, for the material evidences are to be seen around us. The handsome premises in which we

are now assembled ; the excellent library which we have formed ; the store of useful information which we have collected and published in the minutes of our *Transactions* ; and the general arrangements which have been made for the comfort and convenience of our Members, are the best evidences of what has been achieved. It is not, however, in the nature of things, and still less in accordance with the spirit of the times in which we live, to be content to rest upon past achievements. We live in a period, not only of great material progress and development, but also of great intellectual activity, and every Institution which claims for itself a public character, must be prepared to give proofs of its practical usefulness. There is no need for this Institution to shrink from that test. Our object in establishing it was not a selfish one, but a laudable and honourable desire to acquire information, to improve the status of the profession, and to be able to give more efficient services to the public by whom we are employed. It was the opinion of those who assisted at its foundation, that if Members contributed their own experience for the common benefit, the result would be to elevate the profession in the estimation of the public, and to give to each Member information which would be of the highest value in the discharge of his various duties.

In all professions those services will be most esteemed and most liberally requited which are productive of the best results, and the surest way to establish a claim upon the consideration of the public is to show that you can minister to the furtherance of its interests. The number of surveyors who now associate for this object of mutual improvement is the best evidence of the need of such an Institution, and of the appreciation of the services which it is calculated to render to its Members.

Though established only a few years, it is gratifying to

observe that our Society is gradually attracting to itself the confidence and the support of all who are desirous of raising the status of our profession, and founding its usages and practices upon honourable principles ; but though we have reason to be satisfied with our present success, we must remember that it brings increased responsibilities. We can point with satisfaction to the six published volumes of our proceedings, which form the repository of information which has been given to the profession through the agency of this Institution. The educational value of these publications to the younger Members can hardly be exaggerated, for the literature of our calling has hitherto been scanty,—lying mainly on the fringes of legal, agricultural, and architectural text books, and without a distinct character of its own. To remedy this is, in itself, no small service, and is one ground upon which we base our claim to the confidence of the profession generally. Certainly, speaking for myself, after an experience of many years, I highly appreciate the assistance which the accumulated knowledge of our Members has placed at my command, and remembering with what difficulty, at the commencement of my career, I had to acquire the knowledge necessary for the discharge of my duties, I cannot but feel that the younger Members are deriving an advantage from this Institution, unknown to their predecessors ; for though, at the outset, they may be young and inexperienced, they will realize the truth of the old simile, that “a dwarf on the shoulders of a giant will see further than the giant himself.”

Although there are many and important topics affecting our profession which might advantageously be discussed, I think I shall best discharge my duty to-night by referring to those questions more particularly which have been within the sphere of my own experience.

Agricultural pursuits, usually carried on in much quiet

and obscurity, have of late attracted general interest ; and certainly the land-owner, the farmer, and labourer, have no cause to complain that they are neglected.

The philosophers, the philanthropists, and those who interest themselves in questions of social science, all want to advise and to do something with or for the landed interest.

From the many discussions which have taken place, one would suppose that, as respects land, every existing arrangement is wrong, both as regards ownership and cultivation, and that instead of our agriculture having been a marvellous progress for the last century, it has been, in the judgment of these persons, in some respects an entire mistake.

The theories about the soil, its ownership and its cultivation, are many and conflicting, but in all questions of a complex character it is better that attention should be given to the teachings of experience than to mere theories and fictions of the imagination ; and there is much in the modern literature on land to remind one of Lord BACON's observation, that "the writing of speculative men of active matter, for the most part doth seem to men of experience, as Phormio's argument of the wars seemed to Hannibal, to be but dreams and dotage."

Adhering to the view that I shall speak most usefully on those topics with which my experience has made me most familiar, I propose to consider briefly the present position of English agriculture and some of the causes which have influenced that position.

English farming at all worthy of the name, has but a short history. It has risen from a condition which, by comparison with the present, may be called barbarism, within a period of little more than a century.

At that time a large area of the country was uninclosed and subject to rights of common and restraints of culture, which precluded all improvement.

We are all familiar with the description given by MACAULAY, which I believe to be as true as it is picturesque, and with the fact he states that in little more than a century one-fourth of England has been turned from a wild into a garden.

It is not possible, in the limits prescribed to me, to speak in much detail. I can only refer to a few salient features, but they are sufficient. Our agriculture must be judged by its results. If we look to its products of cattle, sheep, and horses, or to its cereal and dairy produce, its excellence is universally admitted, and its superiority compared with that of other countries, incontestible.

Yet only a century has elapsed since BAKEWELL, at Dishly, commenced those experiments upon sheep which have made his name famous, and which, followed up by worthy successors, have made our flocks of sheep, both for wool and mutton, the most valuable in the world.

In 1775, the BROTHERS COLLING, in the valley of the Tees, did for cattle what BAKEWELL had done for sheep, and began that celebrated breed of shorthorns which, in our day, are sent to propagate their race both in the New World and the Antipodes, and at home are so much prized that a single specimen of the best blood is not thought too dear at 1,000 guineas.

As for horses, whether it be the dray horse and the farm horse for purposes of labour, or the carriage horse for luxury, or the hunter and race horse for exercise and sport, it is well known by what combinations of skill and labour we have succeeded in producing the best specimens of their kind which are anywhere to be found.

In dairy produce, again, where else shall we find a race of cows producing milk and its products equal in quantity and richness to that produced by our own breeds.

Of our cereal crops it may be asserted that, notwithstanding inferiority of soil and climate, they exceed in quantity and quality the production of any other country, and the like may be said also of the vast mass of meat produced from roots in combination with other food.

I may point, also, to the enormous purchase of manure and of linseed, maize, and food for cattle, collected by our ships from almost all parts of the world, by which our agriculture is sustained and enriched. These are the surest indications of an enterprising and fruitful agriculture, and in their degree they are peculiar to our own farming.

In no other country of Europe has the principle of the mutual dependence of the production of grain and meat, so necessary to sustained fertility, been more easily realized and largely practised, and the result is an aggregate produce which, upon the same area, has no parallel.

It would be easy, if time permitted, to compare the account which I have given of the produce of English farming with that of other countries on the Continent.

There are ample and trustworthy returns which make such a comparison, in its main features, possible; but, lest it should be supposed that I am taking a partial and too favourable view, I will quote to you the remarks of M. LAVERGNE, who, in addition to being one of the ablest of the French writers on economical and rural affairs, possesses a large and accurate knowledge of the rural economy of this country. M. LAVERGNE, in his admirable book on the rural economy of England, Ireland, and Scotland, concludes an elaborate comparison between the agriculture of this country and of France in these words:—"A comparative examination of agricultural products, the number of the population, and

the value of the land, all combine to prove, upon the most moderate estimates, that, previously to 1848, if we compare England alone with the whole of France, the former produced twice as much as the latter ;" (he adds) " this demonstration appears to me to amount almost to proof." I add this testimony for the double purpose of confirming the statement I have made, and also because France has pursued, with regard to the organization and distribution of her land, a course entirely opposite to that which has obtained in this country. France has no law of primogeniture, and only a limited power of testamentary disposition. The law compels a division of estate on the death of the owner. The effect has been a minute sub-division of landed property, the creation of peasant proprietors, and, after an operation of 80 years, the result is what I have quoted. It is the opinion of M. LAVERGNE, and of other competent judges in France, that the sub-division of land there has reached a point which threatens serious evils, and tends to retard the progress of the country. In two generations the division of property in France has reached, in special cases, less than the fiftieth part of an acre, and whole communes are now sub-divided into estates of less than 6 acres. As we are invited to follow in this path by a fundamental change of our land laws, it will be well for the advocates of change to consider what answer is to be given to the results which I have stated.

Some advocates of change appear to be of opinion that a sub-division of land into small properties, thus giving to a great number of persons what is called the magic of ownership, will offer greater security for public order and greater stability to public institutions. Although there are, no doubt, exceptional causes to account for it, I may observe that this effect has not followed in France.

Having shown the results of agriculture in England

under our present system, I will, very briefly, refer to what appear to me to be some of the main causes which have produced it.

In this country, for the last 160 years, we have enjoyed immunity from civil wars and invasions, and full protection to person and property. Every man has felt assured that he would be protected by the State in his possessions, great or small, with full liberty to use his capital, his intelligence, and labour for his own benefit and in his own way, and that whatever he could gain by his own energies or save by his self-denial he might securely enjoy or safely transmit to his descendants.

So long as human nature is what it is, these considerations will supply to every man the most powerful stimulus to enterprize and exertion, and, in enriching individuals, will enrich the State.

The great development of trade which occurred about 1770, consequent on the discovery of coal, had an important effect on agriculture. It created a demand for labour and for the produce of the land which, in the then state of agriculture, could not easily be met. It called attention to the restrictions and discouragements to improvements imposed by the system of common fields and common rights which then extensively prevailed, and with that sagacity, happily not uncommon in our race, our ancestors, without indulging in abstract theories, like true practical philosophers seeing and feeling a present evil, set energetically to work to devise a remedy. They applied voluntarily to Parliament for power to convert the common lands into severalty, and to extinguish common rights, and, in very many cases, tithes also, and thus laid the foundation of our modern system of agriculture, and conferred an enormous benefit upon the nation.

Those who would have a clear view of the condition of

the England of that day should carefully examine for themselves the condition of land tenure, both as respects ownership and occupation, which then existed.

It is deeply interesting in many ways. It is tolerably certain that the state of our commons and open fields as then existing had undergone no change for many centuries; they were very much under the same conditions of tenure which had existed among the Teutonic tribes, and spread by them over Western Europe after the disruption of the Roman Empire, and which still prevail in many parts of the Continent.

It is more than probable that this same system is even of much higher antiquity; for the interesting researches of Sir HENRY MAINE, published in his *Village Communities of the East and West*, show that the Teutonic mark has too many points of resemblance with the Indian village communities to be the result of mere coincidence, but point to a common origin.

To understand the difficulties under which cultivation was then carried on, a written description must be supplemented by a map. I have placed in this room, for the inspection of Members, a map of the parish of Epperstone, where I reside. The parish contains 2,320 acres, and was inclosed in 1768. It is a typical example of a large number of parishes in the Midland counties, and answers, in its main features, to the excellent description given by our Vice-President, Mr. SMITH, in his thoughtful and valuable Paper on "Land."

The village stands near the southern boundary of the parish, surrounded by small homesteads; the meadows by the village stream; the arable fields, three in number, in which every owner had one or more plots, in different and distant parts of the parish. The commons for pasturage were distant from the village, and the woodlands, affording

pasturage, fuel, and wood for repairs, were on the boundary of the parish.

The allotments in the arable fields do not average half-an-acre each, and a single farm, neither better nor worse than the rest, contained 70 acres in 146 plots. The arable fields were held in severalty till the crops were carried, and were then subject to common right. The meadows were held in severalty till the hay was cut, and were then open to common right. The common pasture was common all the year, and here the cows of the parish were milked, more than a mile from the homesteads, along a road, which, in my time, was not passable for horses or carriages in winter, and not very commodious in summer. The milkmaids of that day carried along the road the produce of the cows, in pails, upon their heads, a practice which deserves notice in connection with the habits and condition of the same class in these days, who now think it a degradation, and generally decline to milk cows anywhere.

No buildings could be erected on any part of the parish, except in the village homesteads, on account of common right; all the produce had to be carted along unmetalled roads; all the men and horses, in carrying on their daily labour, had to pass great distances to and from the land.

No turnips could be grown upon the arable fields for winter food; no artificial grasses for pasturage. It is not too much to say that, if these conditions existed now, a considerable part of the parish would yield very little rent, and others be scarcely worth cultivation.

The same parish is now occupied in nine farms in consolidated areas, with houses and premises in central positions, yielding an average rent of 33s. per acre, and a produce at least four-fold greater than it could have done prior to inclosure.

I am carrying this description further than is proper for

the proportion of an example ; but, before leaving it, I wish to draw attention to the condition of the parish prior to inclosure, because it gives the nearest glimpse I hope we are ever likely to see of Communism.

For though history repeats itself, and there are, even now, persons who think something like Communism might be tried, it is clear our ancestors were of a different opinion.

Those who will look carefully to the condition of our common fields will see indications of a continued struggle against Communism, when it was possible, and that the principle that every man will work best when he works for himself was not absent from the minds of the land-owners of those days.

The arable fields were not common while the crop was growing ; the crop would depend upon the manure and labour applied ; therefore the corn crop was not common, but only the stubble and weeds, which, on each plot, would not differ much in value. So, again, the meadows were not common till the hay crop was carried. The hay crop would depend upon the manure applied ; so the hay crop was not common ; but the after-growth, the value of which on each plot would vary little, was common. Again, the common pasture, upon which no manure or labour was applied, was common, because the number of cattle pasturing upon the common being known and limited, a pasturage in common gave to each an equal share. So little were the owners disposed to give up to common use what could be held in severalty, that the contrivance of the lot meadow and shifting severalties, by which each owner held a plot in turn, was probably intended to secure to each owner in rotation every part of the field ; so that if one part should be better than another, he should enjoy it himself in his turn, and not submit to its being treated in common.

I find that in this neighbourhood more than 40,000

acres were inclosed between 1765 and 1795; the rights of common and usages of culture were in every case the same.

Considering the prejudice which has lately been excited in the public mind with reference to inclosure, it is important to note that in none of the cases I have mentioned, nor in any other cases of rural inclosure with which I have been connected, have I ever known a case where a right of common belonged to any person who was not an owner of house or land in the parish.

There was no such thing as a right to turn on a cow or pig, or even a goose, except in connection with land, and for all such rights every owner, however small, was fully compensated, and compensated by an allotment in the land itself.

It should be remembered, too, that the whole transaction was voluntary, not enforced by the Legislature, but sought for by the land-owners, and that they themselves selected the commissioners who were to decide upon their claims.

It has, however, been stated that millions of acres of waste land have been inclosed, upon which the poor had rights that were never compensated, and of which they have been defrauded. We, who have to deal with inclosures, know that it is a pure fiction, that such a thing was impossible, and that it has no foundation in truth.

There can surely be no greater responsibility than is incurred by persons, who, at any time, and particularly in a time of unusual excitement, make statements of this kind which cannot be verified.

Considering the many and undoubted benefits which the inclosure of commons and open fields have conferred upon the country,—benefits so unquestionable that they are acknowledged by every person conversant with the subject,—it is remarkable how easily a prejudice can be created when

arguments are tinged (perhaps unconsciously) by personal interests or political views.

A case of this kind occurred in my own county with reference to the inclosure of the commons and commonable lands surrounding the town of Nottingham. The opposition to inclosure was so persistent that it succeeded in delaying the inclosure for more than half a century after the increasing population of the town urgently required increased building space.

The common lands, about 1,100 acres in extent, surrounding the town, extension of building had become impossible. The pressure of the population was so dense that in parts of the town 500 to 600 persons lived upon an acre of ground.

The freemen of Nottingham claimed the rights of pasturage during portions of the year, and the land-owners held considerable portions in severalty for the rest of the year. The freemen were a numerous body, and, being voters, exercised considerable influence at elections. It was their firm conviction that their interests would be injured by inclosure, and it answered the purpose of others to agree and confirm them in that belief.

The value of the freemens' right of pasturage was not worth more than £150 a year, and the land itself, while subject to those rights, was not worth to the land-owners more than £100 per acre.

After many attempts at inclosure had been made and failed, Mr. HAWKESLEY made a Report to the Health of Towns' Commission, which attracted much attention, and created a strong public feeling in favour of inclosure. The land-owners succeeded in obtaining a Bill for inclosure, and, in 1851, the allotments were made free from all common rights. The result, after 23 years, is that a large proportion of the land has been covered with houses and manufactories.

The land, before inclosure, worth only £100 per acre, has been sold by the yard at prices varying from 2s. to £1, and, probably, averaging 6s. per yard.

The freemen, whose income from the pasturage was not worth more than £150 a year, had an estate allotted them after inclosure which now produces £3,700 a year, and as great part of this is from leasehold ground rents, it will, in future, be much greater.

The town of Nottingham received allotments for an arboretum, for public walks, recreation and cricket grounds, of over 100 acres, and the general benefit to the town in health and wealth is hardly calculable. Yet popular prejudice, encouraged by political partisans, delayed this beneficent work for many years; and it is to be feared that prejudices equally unfounded, and views equally mistaken, are now prejudicing the public mind against inclosures which, if carried into effect, would conduce to both private and public advantage.

Following the great inclosures in rural districts, which changed the whole state of agriculture, and gave to it a new life, came the opportunity to put farming on an economical basis. Houses and buildings which before were separated from the land, could be erected in the centres of consolidated and enlarged holdings, the cultivation of roots and rotation of crops freed from restriction, and the land adapted for the use of improved implements and machinery, which, prior to inclosure, were of little avail.

The outlay upon these works was very great; but property being mainly in the hands of wealthy owners, it could be provided; and the introduction of turnips was, of itself, an important event. These roots, cultivated anciently in Holland, were introduced into England, with great success by Lord TOWNSEND, in the reign of George II. They have

since become the basis upon which the rearing and fattening of stock are founded, and have given fertility and value to all the light soils of the country.

I attribute the great development of English agriculture in recent times, in no small degree, to the existence of large estates. These, as a rule, present the best examples of management, and have generally led the way in all improvements.

The last cause of our agricultural prosperity which I shall notice, is the intelligence and practical skill of our best farmers. As a special class, early educated to their business and devoting their whole lives to it, they have exercised a powerful influence on agriculture, and it cannot be denied that Lincolnshire, the best farmed county in England, has been made so by farmers, who, for the most part, have only yearly holdings.

My object in giving this sketch of what English farming is, in its best aspects, and the causes which have produced it, is to make some answer to the many objections which have been offered to the present system on which land is held, both for purposes of ownership and occupation, and I think I am entitled to make this observation, that if a tree is to be known by its fruits, that constitution of property and farming cannot be very defective which produces the best known results, and that prudent people will not, for the sake of any speculative theory, sacrifice solid and acquired advantages in search of unknown benefits.

I am very sensible that there is much farming capable of great amendment, and that the general practice is far below the highest standard, but that is true of all arts. It is sufficient that there is no legal impediment why the worst farming should not be as the best, if the like means were used.

Other matters have been much discussed, affecting land, which I hope some of our Members will hereafter give us an opportunity of considering, such as the question of large and small estates, and whether there is the tendency which is alleged to an increasing aggregation of land in fewer hands; also the question of large and small farms, in what proportion they exist, and the soil and situation in which each is found to be most suitable.

It is to be regretted that no statistics have yet been published by which accurate information on these points can be obtained. All is mere conjecture; and each of us can only judge from his own experience.

What is greatly needed is a full and impartial history of the land. There is the most absolute ignorance on the subject. Mr. MILL and, following him, many others, have asserted that the number of land-owners in England does not exceed 30,000. This, however, has been discovered to be an error, and is a singular instance of the careless reading of statistics even by distinguished writers, and of elaborate arguments based on mere delusions.

Mr. DISRAELI, in 1850, stated in the House of Commons that, in the three kingdoms, it was reckoned that there were 250,000 landed proprietors; and, considering the gross misconceptions, prejudices, and misrepresentations which are widely diffused and credited by intelligent people, with reference to land, and its supposed concentration in the hands of a small class, it is most desirable that the facts should be authoritatively ascertained.

Another point on which much has been said is the alleged monopoly in land. Now this is a question which appeals at once to our own experience; and it has always been matter of astonishment to me that, in the face of facts patent to everybody, and published in every day's news-

papers, such assertions can be made. The advertisements of estates for sale, in a single copy of the *Times*, is a sufficient refutation.

We all know that there is no fixed commodity more constantly and widely dealt in than land; that the supply in the market is generally adequate to the demand, and oftentimes more so; and that there is no difficulty in any person purchasing land in almost any quantity, and almost anywhere. If an artizan wishes a plot for his own residence, or for the investment of his savings, he can have it. In the vicinity of our great towns, land is being sub-divided and sold to thousands of working men for these purposes.

The misconception is hardly less in respect to the supposed increase of large properties.

So far as my observation has gone, the great bulk of the land has been purchased by persons who have made their fortunes in trade; and the land so purchased is either an abstraction from an old estate, or the new purchaser has simply displaced the ancient owner.

With the sale and purchase of land which is constantly going on, and which is almost the special business of our lives, it is difficult to understand what is meant by the cry of "Free Land," when every man is free to buy what land he pleases, free to occupy or let it, free to sell it while he lives or devise it at his death; it would seem that freedom can hardly be more complete: happily our institutions have assured to us this freedom; but the statements of those who advocate change seem to indicate a desire to restrain rather than to enlarge our liberty of action.

The system of large or small farms is one of those economical questions which will adjust itself by giving both a fair field. Both are good in their proper places, and under

proper conditions. In all dairying and pastoral districts, where the principal labour is manual and domestic, where machinery and large capital give less advantage, small farming does, and probably will, hold its place, and in suitable situations, in the vicinity of large towns, where land is cultivated partly for garden produce and partly for the supply of dairy produce, small mixed farms of arable and pasture may and do succeed; but, in the cultivation of arable lands, large capital, steam power, improved machines, and more intelligent direction, are advantages against which the small farmer cannot compete.

Those who urge the creation of small ownerships in land and small peasant farms, should remember that they recommend nothing new, but a return, to a great extent, to a system which has been tried and failed; and to invoke, as some propose, the action of the Legislature, is merely to repeat the errors of the past, and disregard the teachings of experience. In times long past, Parliament assumed the power of fixing wages, of prescribing how much land should be attached to each cottage, and restraining owners from converting arable land into pasture. These attempts failed in their object, and the intelligence of the country outgrew such illusions. In later times the Legislature has been appealed to, not to direct or restrain freedom of action in dealing with land, but to remove hindrances to the full development of its resources, and, in this direction, it has conferred the greatest benefits. The inclosure of commons, the commutation of tithes, and the power of charging limited estates with the cost of necessary improvements, are the fruitful results.

Schemes for co-operative and communistic agriculture have also been recommended.

If there be any benevolent persons who have faith in

them, it may be well they should be tried, but it is not necessary, in order to effect this object, to violently subvert the whole system under which land is now owned, acquired, or inherited.

There is nothing in the law to prevent any persons from purchasing land, and appropriating it for either common or co-operative farming, if they like the investment, and probably a few experiments of this kind would not be without a salutary result.

Taking a general view of the questions which I have referred to, it seems to me that our safest guide in practice will be to adhere to simple principles.

We must consider agriculture, and all that relates to it, as an experimental science; we must give to all interests concerned in it perfect liberty of contract and freedom of action; we must observe the varying conditions under which it is carried on; we must bring all theories to the test of facts, and correct them when inconsistent with facts; and then, by careful observation and experience, we may hope to be guided to sound economical results.

We will now turn to our prospects for the session which opens this evening.

As you are no doubt aware, the series of Papers on Agricultural Geology will be closed by a contribution on the subject from Mr. STURGE, who will deal with the Western Districts of England.

This Paper will be followed by a discussion on the Landlord and Tenant question, in the course of which it is hoped that much valuable information may be elicited, and that the Institution may make its influence felt in connection with any future legislative action thereon.

We are also promised a Paper on Riparian Rights,—a very important subject, which certainly needs elucidation.

The Rating of Mansion Houses will form the subject of another Paper; and, looking to the decisions in recent cases, may be expected to lead to a careful testing of the antagonistic views held on the subject.

These are a few of the subjects which will occupy our attention during the present session.

I will conclude by urging Members and Associates to increased readiness in contributing Papers, and assisting our discussions with the fruits of their experience.

MR. T. SMITH WOOLLEY (Member), in proposing a vote of thanks to the PRESIDENT, said that he felt to some extent disqualified by his long friendship with that gentleman from forming an impartial opinion as to the merits of the Address; but he could not be wrong in assuming that it was a characteristically thoughtful and valuable Paper. He was particularly impressed with the description given of the results of the inclosure at Nottingham, which he had watched with great interest; and that the success of that inclosure had been so marked was, as his brother Commissioners would be the first to admit, due, in great measure, to the PRESIDENT's exertions.

Most men who knew Lincolnshire spoke of it as the model county of England as respected its agriculture. He so regarded it, and wished it were possible to have statistics showing the increase of its produce during the last century. He, himself, believed it to be ten-fold at the least, resulting not only from the enormous area brought into cultivation within that period from the heaths, the wolds, and fens—all of which were now among the best farm districts in the kingdom,—but also from an immense addition to the productiveness of the land previously in cultivation, by inclosures and improved farming. The rest of the kingdom

could, no doubt, also show a considerable increase, but to nothing like the same extent.

He might supply one or two illustrations, which had not been mentioned in the Address, of the inconvenience of the old system of open fields. The PRESIDENT and himself were once engaged in arranging a large exchange; about 150 acres of the land dealt with lay in uninclosed fields, so scattered that the valuation consumed the whole of one day. This fact would seem to his brother surveyors almost enough, in itself, to justify an inclosure. Another point which often struck him in going professionally over uninclosed fields was, that where freehold and leasehold part "lands" joined and were occupied together, the leasehold "land" had usually dwindled down to about half its fair proportions, the freehold land adjoining it having increased to a commensurate extent. It happened, on one occasion, that his father bought some scattered land in an uninclosed field, which proved on measurement to be greatly in excess of the reputed area; having afterwards bought of another owner land which he had also measured with a different result, he complained to the second vendor that his land had not turned out so well as the other; the reply was that they—*i.e.*, the first vendor and his ancestors—were always reckoned very good ploughers. The fact was that they had systematically cribbed from their neighbours for successive generations, till they had increased their freehold very considerably. It only remained to him, after apologising for his jocular treatment of the subject, to propose a vote of thanks to the PRESIDENT for his most excellent Address.

MR. T. CHATFIELD CLARKE (Member) said that he had very great pleasure in seconding the vote of thanks. He

had listened with great interest, as a comparative outsider, to what he might call the defence of things as they are. The PRESIDENT saw no ground whatever for any radical change, and he (Mr. CLARKE) felt some diffidence in expressing opinions opposed to the views of one so experienced as the PRESIDENT; but, of course, there was no man who read the political and other discussions of the day who did not feel that there was, more or less, another side to the question. The PRESIDENT's remark that the system of small holdings in France had failed to save the country from revolution and anarchy did not constitute a fair inference from the facts, which told rather against his theory, inasmuch as the peasantry of France had always been the main element of stability and order in that country, and had helped to weigh in the balance against the large towns.

Referring to another portion of the Paper, he could not help expressing an opinion that there were limits beyond which owners ought not to go in the luxurious use of their land, and that the way in which large parts of Scotland had been denuded of tenantry, in order to cultivate deer, amounted to an infringement of a man's duties towards society. There was a point where a State might properly step in and assert what was due to its highest interests and to society at large. This side of the question was worth weighing. Surveyors naturally looked at things somewhat from the side of the land-owners, and gave too little attention to the possible existence of counter-balancing evils. Every gentleman in the room must be conversant with large properties in the neighbourhood of towns which cannot be efficiently dealt with because they are held in settlement or encumbered with mortgages; or because the owner capriciously stopped development.

There was also another side to the inclosure question.

In the case dealt with the other day, so successfully, by the Corporation of London, a system of illegal inclosure had been going on for years ; and he repeated, therefore, that, bearing the facts in mind to which he had called attention, there was a limit beyond which the perfect independence of rights of property could not be asserted without injury to the State and to society. He threw out these points as an outsider for the sake of eliciting a full discussion, and had the greatest pleasure in seconding the vote of thanks to the PRESIDENT for developing the subject so impartially, and with such clearness and precision.

The PRESIDENT said that his first duty was to thank the Members for the kind reception which his Address had received. His aim had been, not so much to defend existing institutions, as to state facts as he found them, with as much impartiality as he could command. With regard to Mr. CLARKE's objection to the reference which had been made to France, it would be remembered that he said, whatever might be the explanation, that the wide diffusion of landed property in France had not been sufficient to counterbalance other influences, and to prevent a succession of revolutions, extending over nearly a century, or give that stability and security to public institutions and public order in France which it was natural to expect. He only stated the fact, but had no doubt it was susceptible, to a great extent, of the explanation which Mr. CLARKE had suggested. With regard to the purchase of small properties, and the increase in the number of small ownerships, he agreed that it would be desirable that a greater number of persons should be interested in the soil of the country ; his argument was that people must be left to judge of their own

interests and to invest their money in their own way. If persons desired property, whether small or large, they could buy it. If they wanted plots of 5 acres or 2 acres, they could buy them whenever they liked, and if they were prepared to give the price, many would be ready, as a speculation, to purchase a large property and divide it. As a fact, however, people experienced in buying and selling land were well aware of the difficulty of making profit on such transactions. The larger the property, proportionately, the larger the sum which it makes. Therefore, to buy up and sub-divide land had latterly become a more difficult operation to accomplish with profit. The truth was, that for persons of small capital, there were a vast number of investments which combined tolerable security, with a return far surpassing that which they could get from land. If persons were of that opinion (and it was quite clear that they were), he did not see that anything should be done to make them act in a way which they believed to be contrary to their interests. He believed what ought to be maintained, was nothing more nor less than perfect freedom of action. Let there be free competition. Let every person use his intelligence, or money, or labour, in his own way. Let every man judge of what is best for his own interest, and pursue it after his own fashion. He did not see any disabilities in the law as it now stood, nor any monopoly preventing persons buying land in great or small lots if they so desired. In the large towns, where artizans were earning high wages, they were living, in many instances (though not so generally as he should wish), in their own houses. This was as it could be; but he would say to the man of small capital who wanted to buy a few acres of land as an investment, that it was very questionable whether it would be wise to do so. When land makes, as it does in

most of the Midland counties, over 40 years' purchase, it is obviously a bad speculation for a small capitalist to invest money at $2\frac{1}{2}$ per cent., when there are other securities upon which 4 or 5 can be easily obtained. No other reason could be given for the gradual absorption of small properties in land, than the circumstance that their owners found that they paid too dearly for their position, and because, economically, it was a wise thing to get rid of them. The question of restrictions upon the use of their property by large land-owners was a very delicate one; there might be a point at which legislative interference might take place if personal rights were pushed to the extreme. It was a question of degree; but he thought it could hardly be said that, in this country, a state of things existed which would justify any such interference with private property as had been referred to. He was not unfamiliar with the northern part of Scotland, where deer had displaced sheep, and sheep had displaced the small cotter of 100 years ago, and he doubted whether the country was not richer, and the cotter better for the change. No doubt there was some immediate hardship in driving the cotters from their homes; but he believed it would be found, if their subsequent history could be traced, to have been the most beneficial thing which could have been done for them. The question of State interference, in restraining liberty of action in dealing with property, was fraught with serious dangers, and the disadvantages ought to be very great and very manifest before such a principle was adopted. In conclusion, he begged to repeat his thanks for the kind reception which they had given to his Address. He felt it was not altogether worthy of the audience who had come to listen to him; but it seemed to him not entirely unsuited to the occasion. He felt that he had taken upon himself a great responsibility

in accepting the office of President, and appealed to their support and indulgence in the discharge of the duties of his position.

The vote of thanks having been passed unanimously' the Meeting adjourned.

AGRICULTURAL GEOLOGY.

(No. 3. SOUTH-WESTERN DISTRICT.)

By WILLIAM STURGE (VICE-PRESIDENT).

*Read at the Ordinary General Meeting of the INSTITUTION OF SURVEYORS,
December 7th, 1874.*

THE PRESIDENT IN THE CHAIR.

IN the course of the discussion on Mr. SQUAREY's very able Paper on "Agricultural Geology," it was suggested by my friend, Mr. E. J. SMITH, that I should endeavour to supplement that Paper by a description of the Agricultural Geology of the South-Western District of England, a task which I promised to endeavour to fulfil, excluding, however, from its scope the county of Cornwall, with which my acquaintance is but limited.

I would preface my Paper with some observations as to the extent to which a knowledge of agricultural geology may assist the surveyor in estimating the rental value of soils. It was observed by Mr. WOOLLEY, in the discussion on Mr. SQUAREY's Paper, "that he did not believe that geology would be of any assistance in valuing land for rental, owing to the varieties of soil on each formation;" whilst other Members took a different view. I think the truth lies between these two opinions. I believe that there have been, and still are, eminent valuers who possess a very limited knowledge of geology, a fact which need not occasion surprise when we consider that the agricultural value of

land mainly depends upon the depth and texture of the soil, and also upon elevation, aspect, climate, and rainfall, all of which are matters which can be determined only by observations on the spot, whether the surveyor possesses a knowledge of geology or not. But the surveyor who possesses some geological knowledge may gradually obtain a considerable advantage over the surveyor who has it not. If in the course of his survey he makes himself acquainted with the geology of each district, and endeavours to trace the effects which come under his observation to their causes—to the composition of the subsoil and underlying strata and to the character of neighbouring formations from which surface drifts or deposits have been derived,—he will gradually accumulate a mass of information which will enable him to form a *primâ-facie* idea of the description of soil he will probably find under similar conditions, and which will render him more alive to the indications to which his observation should be especially directed. Further than this I do not think that geological knowledge can at present be utilized in the valuation of land; for if we possessed a chemical analysis of the mineral ingredients of the soil and subsoil of every geological formation, so imperfect is our knowledge of the value of those ingredients, and of the proportion of each necessary for the formation of a good soil; and so great are the variations of soil, not only on each formation, but on the same estate, and even in the same field, that chemical analysis would be of little practical use, and would certainly not supersede that close observation of the depth and texture of soils and of the various conditions of fertility, which is possessed in a greater or less degree by every competent land valuer.

I may here remark that I agree with the observations made by Mr. H. M. JENKINS in the course of the discussion, that a mere knowledge of the underlying strata will

be but of little use without a knowledge of the surface geology; and I am therefore glad to learn that the Geological Department are now engaged in the preparation of maps on which the latter will be shown.

I will now proceed with my description of the agricultural geology of the districts which come more especially within the scope of my Paper, commencing with the granite.

The granite is one of those rocks of igneous or plutonic origin which are supposed to be of older date than any other geological formations. It is a hard, crystalline, aggregate rock, composed of felspar, quartz, and mica, in various proportions. The wild, mountainous district of Dartmoor, in the centre of Devonshire, is composed of this rock. This district extends about 22 miles from Oakhampton on the north to near Ivybridge on the south, and about 20 miles from Bovey Tracy on the east to near Tavistock on the west. Its physical features are a succession of lofty, rugged hills, locally called "Tors," varying from 1,000 to 2,000 feet in height. The face of the country is covered with huge boulders, which give it a remarkably wild and desolate appearance; and these are interspersed with sheep walks and peat bogs, of little agricultural value. In the neighbourhood of Moreton Hampstead, on the eastern side, where the elevation is less and the climate is somewhat dryer, the soil improves, forming useful pastures and arable land, suitable for the growth of potatoes, which are largely cultivated for Exeter Market. But on the whole the district must be pronounced of low agricultural value, having in addition to a poor soil, a sharp, cold climate, saturated with moisture, which is precipitated in great quantities from the rain-charged clouds of the English Channel.

The syenite is a rock of very similar character to the granite,—the mica in its composition being replaced by hornblende. The Malvern Hills, in the counties of Worcester

and Hereford, are partly composed of this formation and hornblende traps. These hills attain the elevation of 1,200 to 1,450 feet, and exhibit a sharp mountainous outline, rising abruptly out of the valley of the Severn. They form very dry and healthy sheep walks, but are not under cultivation. The upper Llandovey and Ludlow rocks, including the Aymestry limestone, rest on the syenite, and form a thin, dry, calcareous soil, which has the reputation of being good "casting" land, and is worth, on the average, about 20s. per acre.

The granite of Dartmoor is nearly surrounded by the Devonian series of rocks extending northward and westward to the Bristol Channel, and southward to the English Channel. This formation was formerly known to geologists as the "clay slate" or "killas" and the "Grauwacke slate;" but was subsequently termed by Sir H. DE LA BECHE the "Devonian" series, and was considered by him to be, in Devon and Cornwall, the equivalent of the old red sandstone, from which, however, it differs both in physical aspect and in soil. The physical features of that part of Devonshire where this formation prevails consist of an endless succession of lofty hills, with steep sides and rounded summits, intersected by deep, narrow valleys, through the principal of which flow the rivers Exe, Dart, Taw, and Torridge. The steep side lands are often richly clad with wood,—the oak, in particular, growing well, though not to a large size, on the thin, rocky soil. In North and East Devon and West Somerset, the hills range from 500 to 1,600 feet in height,—the highest point being Dunkery Beacon, on the borders of Exmoor, 1,660 feet high. Rather further to the east is the Quantock Range, rising at Cothelstone Beacon to the height of 1,200 feet. I may here mention, by the way, that the mountainous region of Exmoor, Brendon, and Quantock is one of the few districts in England

where the wild stag still exists, and is regularly hunted. The soil on this middle Devonian formation is very various. The underlying rock is of a laminated, slaty character, and the beds lie at every possible angle to the horizon. Interspersed are beds of lime rock containing veins of carbonate of lime, which is burnt into lime both for building and manure. At Wiveliscombe, Treborough, and other places, slate is quarried of fair quality for roofing, but not equal to the Welsh. At the eastern end of the Quantock Hills, near Bridgewater, the soil is formed of decomposed slate, locally called "stone-rush," which, with a moderate elevation and good climate, has the reputation of being good yielding wheat land, commanding rents varying from 20s. to 35s. per acre. In north-east Devon the soil is thinner, and, when combined with high elevation and great rainfall, is not suited for cereals, except oats, but produces fair crops of swedes and turnips. Every stream of water and every pond is turned to account in the irrigation of the side lands, which are formed into water meadows on the catch-work system. The farms are generally small, and command rents varying from 10s. to 20s. per acre. In north-west Devon there is a large extent of thin white or yellow clay, which, under the conditions of a high altitude and heavy rainfall, forms a poor and unthankful soil. On the west side of Dartmoor there are, in some places, fine feeding pastures worth 60s. per acre, the subsoil being probably covered with granitic or felspathic drift, or wash. A notable feature in this district is the great difference in the comparative value of pasture and arable land on the same soil. When the soil is dry, the climate mild, and the rainfall heavy, the pastures produce grass all the year round; but the harvests on the arable land are precarious. The pastures, therefore, often command rents at least double those of the adjoining arable lands. In South Devon the soil is deeper and more loamy, partaking more of

the character of the old red sandstone, and under the influence of a lower elevation, warmer climate, and more moderate rainfall, is productive. The district known as the "Devon South Hams," lying south-west of the South Devon Railway near Totnes, is noted for its early harvests and fertility. There is a large extent of orcharding, and great quantities of cider are made.

I may here mention—though the subject does not bear on agricultural geology—that the Devonian series is rich in mineral wealth, the great tin and copper mines of Devon and Cornwall being found in it. Beds of hematite iron ore are worked on the Brendon Hills in the middle Devonian near Watchet.

The old red sandstone, which I distinguish from the Devonian series of Devon and Cornwall, appears at the eastward end of the Mendip Hills near Shepton Mallett, in Somerset, and in small patches in the neighbourhood of Bristol. A large part of the eastward side of the county of Monmouth, and the greater part of the county of Hereford, are situate on this formation. The soil is mostly of a red colour, and varies from a stiff clay to a sandy loam. In parts of Monmouthshire the clay is particularly heavy and retentive. In the neighbourhood of Hereford a strong clay loam prevails, on which hops are grown. Near Ross is a district of sandy loam called the "Ryelands," well known for its breed of sheep. The clays vary in value from 15s. to 35s., and the sandy loams from 30s. to 40s. per acre.

The mountain or carboniferous limestone usually forms ranges of hills, which, in the south of England, are of no great elevation. The highest are the Mendips, extending across Somersetshire from Weston-super-Mare to Frome, and attaining at the highest point an altitude of 1,000 to 1,100 feet. This formation appears again at Broadfield Down, a few miles south of Bristol, and narrow belts of it are found extending from Portishead to Clevedon in

Somerset, and thence to Durdham Down and Westbury near Bristol. Another belt, extending something in the shape of a horseshoe, from Chipping Sodbury to Wickwar and Tortworth in Gloucestershire, and thence southward towards Bristol, encloses the Gloucestershire coal field. A larger belt extends through the south of Monmouthshire and the Forest of Dean to near Ross in Herefordshire. In the south-west of England this rock invariably underlies the coal measures, which rest upon it as in the hollow of a basin, and coal is never found on the outer side of the limestone crop, where it merges into the old red sandstone. The rock contains much carbonate of lime and oxide of iron. The soil is usually more or less shallow, the bare rock often appearing on the surface. When there is sufficient depth, it forms useful turnip land, and the herbage of the pastures is peculiarly sweet and healthy for sheep, though not usually of a feeding quality. The rental value may range from 15s. to 40s. per acre.

The coal measures, as before mentioned, lie in a basin of the mountain or carboniferous limestone. Coal occurs at Coal-pit Heath, Kingswood, Bedminster and Nailsea near Bristol, and again at and near Radstock, near Bath. An extensive coal field also exists in the Forest of Dean, where iron ore is also found, and the mineral wealth of the district is being largely developed. The soil of the coal formation is usually of poor quality, except where the upper measure known as the pennant stone appears on the surface and decomposes into a good sandy loam ranging in value from 30s. to 40s. per acre. The soil of the lower measures usually consists of a thin-skinned yellow clay, varying in value from 15s. to 25s. per acre. In the Forest of Dean the soil is generally of very inferior quality; but small plots of land are eagerly sought after by the mining population for garden and accommodation purposes.

The magnesian limestone or dolomitic conglomerate is

found in small areas in Somerset and Gloucester, usually at the edge of the limestone and old red sandstone; the soil is a sandy loam, varying in value from 30s. to 45s. per acre. The mineral known as lapis calaminaris (calamine or carbonate of zinc), used in the manufacture of brass, is found in this formation, and is worked in the neighbourhood of the Mendip Hills.

The new red sandstone series is of very extensive area in the south-western and south-midland counties. Its most southerly development is at Torbay, whence it extends along the coast of the English Channel to Sidmouth, and inland to Honiton and Exeter, thence westward to Crediton, and up the valley of the Culm to Collumpton, thence to Taunton, where it embraces the fertile Vale of Taunton Deane, and thence westward, skirting the southern side of the Quantock Hills to the shores of the Bristol Channel at Dunster, Minehead, and Porlock, and extending along the northward side of that range to Bridgewater. Perhaps, on the whole, this may be described as one of the most favoured districts in England. An undulating and well watered plain, thickly studded with elm timber; a mild climate, sufficiently dry for the growth and early ripening of cereals, yet with moisture enough to make root cultivation more certain than on the eastern side of the kingdom: and a soil, with some exception, of the highest fertility, varying from a deep sandy loam to a stronger loam, and, in some places, a heavy red clay. The best loams range in value from 40s. to 50s. per acre, and in some exceptional cases as high as 60s. per acre. The heavy lands range from 25s. to 40s. per acre. In the Vale of Honiton, dairy farming prevails; but, in the district generally, the larger proportion of the land is under arable cultivation.

A narrow strip of this formation runs along the base of the southern side of the Mendip Hills, in Somerset. At

Axbridge and Cheddar it forms a rich loam, which, rising gently from the adjoining marshes, sloping to the south, and screened from the north by the steep limestone hillside, is of great value for the growth of early potatoes for the London market. The produce is said sometimes to amount to £100 per acre, and the rent varies from £4 to £8 per acre, warmth and shelter affecting the value more than depth of soil.

In the valley of the river Chew, north of the Mendip Hills, the soil partakes more of the character of red marl, some of which is very heavy, retentive of moisture, and difficult to drain, and not worth more than 20s. per acre; but interspersed are sands and loams worth 30s. to 40s. per acre.

At Easton, close to Bristol, is some very fine sandy loam, under market garden cultivation, commanding rents of £6 to £8 per acre. At a greater distance from that city the same soil commands agricultural rents of 40s. to 45s. per acre.

This formation occupies a large part of the county of Worcester, where the soil exhibits all gradations of texture, stiff clay or marl, strong loam, sandy loam and blowing sand. The value is as various, ranging from 15s. to 50s. per acre; but, on the whole, this must be pronounced a favoured and fertile district, with the advantages of a mild and dry climate.

The lias formation is very extensively developed in the west of England. It is classed by geologists with the oolitic system; but its agricultural characteristics differ so much from those of the oolites above, that I prefer to treat it separately under its sub-divisions of the upper and lower lias, and the marlstone. Its most westerly appearance is between Watchet and Bridgewater, on the coast of the Bristol Channel and south of Taunton, whence it extends in

patches to Lyme Regis, in Dorset. It occupies districts of greater or less extent throughout central Somerset, and fills up the greater part of the Vale of Severn from that river to the base of the Cotswold Hills. It again appears to the eastward of those hills, in the neighbourhood of Moreton-in-the-Marsh, in East Gloucester, and Shipston-on-Stour, on the borders of Worcester, Warwick, and Oxfordshire. The general character of the subsoil on the upper and lower lias, is that of a blue or yellow clay, alternating with thin beds of limestone. The blue clay makes good dairy pasturage, and strong wheat and bean land; the yellow clay is thin-skinned and poor. Where the limestone lies in horizontal beds, near the surface, it forms a strong stone-brash soil, sufficiently dry for feeding turnips. Where the stone and clay alternately crop out on the surface of steep side lands, the soil is thin, poor, and full of springs. Nearly the whole of the clays require draining, and will generally repay the outlay. In some parts of the Vale of Severn, near Gloucester, Cheltenham, and Evesham, the clay subsoil is covered with a drift of loam of a more fertile character. In some parts of central Somerset, near Glastonbury, some of the grass lands are what is locally called "teart," having a scouring quality, which prevents feeding with cattle, until the grass has been nipped by the autumnal frosts. This quality is not distinguished by the appearance of the herbage, one field will partake strongly of it, while the next will be wholly free. I have never met with it on the lias in any other district, except to a small extent in South Warwickshire.

Land on the lias formation is extremely variable in quality, ranging in value from 15s. to 50s. per acre.

The marlstone or middle lias forms a narrow belt of land on the westward base of the oolitic hills. In the southwestern district the greatest width is in the neighbourhood

of Yeovil in Somerset, and Beaminster and Bridport in Dorset. The soil is a deep loam, and calcareous stonebrash of great fertility, commanding rents from 40s. to 60s. per acre.

The true oolitic series forms a range of hills, varying from 300 to 600 feet in height, extending in a north-easterly direction from Dorset through East Somerset, Gloucester, Worcester, Warwick, and the Midland counties, to the Humber, presenting a steep escarpment to the north-westward, with a table land gradually decreasing in elevation towards the south-eastward. The series has many subdivisions—the Inferior oolite, Great oolite, Forest marble, Cornbrash, Oxford clay, Portland stone, and Purbeck beds. With the exception of the two last, these beds succeed each other in regular succession on and near the chain of hills just mentioned. As a rule, a sectional line drawn from north-west to south-east would intersect them all.

The inferior oolite and oolitic sands of south-east Somerset consist of a warm and fertile sandy loam, varying in value from 30s. to 50s. per acre. In Gloucestershire this formation merges into the thinner stonebrash of the Cotswold Hills, and ranges from 20s. to 25s. per acre. Some singular isolated deposits are found capping the lias on several lofty hills in Somerset, notably on Dundry Hill, a few miles south of Bristol, where, at an elevation of 600 feet, pasture land is found worth from 50s. to 60s. per acre.

The great or Bath oolite, with its sub-divisions of Stonesfield slate and Fuller's earth rock, occupies the greater part of the elevated table land of the Cotswold and other oolitic ranges of hills. The soil is, generally speaking, a thin calcareous stonebrash, varying in depth and quality; the best land is that on which the stone is of a brown or yellow colour: intermixed are patches of a sandy soil, not deficient in depth, and with a small white stone scattered over the surface; this land is weak, and runs together after rain, and

is locally called "sleepy land," or "dead earth." Speaking broadly, this formation may be described as an useful turnip and barley soil, varying in value from 20s. to 30s. per acre.

The fine grained soft, white, or yellow freestone, known as the Bath freestone, so valuable for ornamental building purposes, is found in this formation, and is extensively quarried in the neighbourhood of Corsham and Box in Wiltshire, at a depth of 50 to 100 feet below the surface. The value ranges from £300 to £500 per acre.

The forest marble occurs above the great oolite, and consists of stonebrash and clay, forming a heavy wet soil, not worth more than 20s. per acre.

The cornbrash runs in an irregular narrow belt between the great oolite and the Oxford clay; it much resembles the former in character, but is in some places a deeper, and in others a more gravelly soil; perhaps on the whole the value may average 10 per cent. more.

The Oxford clay runs in a belt about 3 miles in average width from the neighbourhood of Yeovil to Wincanton, Frome, Melksham, and Chippenham, and thence expands to an average width of 6 to 8 miles in the Vale of White Horse in Wilts and Berks, and thence extends to Oxford. This formation is principally in pasture, and forms a great part of the Somerset and Wilts dairy districts, the former producing thick cheese of the best quality, known in the market as "Cheddar," and the latter the thinner cheese of fine quality, known as "Double Wilts" or "Double Gloucester." The soil varies in value from 20s. to 60s. per acre.

The coral rag and upper and lower calcareous grits run as a narrow and irregular belt between the Oxford and Kimmeridge clays, forming a low range of hills with a steep escarpment on the west towards the Oxford clay; the soil is principally under arable cultivation, and rapidly varies from

calcareous sand and stonebrash to clay; the value may range from 25s. to 40s. per acre. Rich beds of ironstone have been found near the surface in this formation, and are worked in the neighbourhood of Seend and Westbury in Wiltshire.

The Kimmeridge clay occupies the narrow belt of moderately elevated table land between the coral rag and the green-sand at the foot of the westward escarpment of the great chalk formation. This formation, like the Oxford clay, is mostly in pasture, and forms part of the dairy districts before referred to. The soil is very similar to that of the more clayey portion of the Oxford clay, but does not partake of the rich loamy character of some parts of that formation, and the range of value is therefore less.

Of the Purbeck and Portland oolites I have had but little experience, I therefore dismiss them without observation.

The lower and upper green-sand and the gault usually connect the oolitic series with the chalk lying in narrow bands under the western escarpment of the chalk hills. I have nothing to add to Mr. SQUAREY's full and accurate description of these formations. I may, however, remark that the upper green-sand is found where one would not expect it, capping the lofty range of the Haldon Hills, a few miles to the south-west of Exeter, where it appears to rest upon the new red sandstone. It is also extensively found in a similar position on the lofty ranges of hills which flank the south side of the Vale of Taunton, and extend towards Honiton, Sidmouth, and Lyme Regis. In these elevated districts the soil is usually of a poor weak character.

Spurs of the great chalk formation are thrown out as far west as the neighbourhood of Seaton, on the south coast of Devon, Lyme Regis in Dorset, and Chard in Somerset; but the main bulk trends in an easterly and north-easterly

direction through Dorset and South Wilts into Berkshire. The physical features are very distinctive; a bare, open country swelling into rounded hills, divided by narrow valleys, and capped, as on Salisbury Plain, with downs of the finest turf, which has, however, largely given way to the plough within the last 30 years. The soil consists for the most part of a flinty loam, varying greatly in depth and staple. The narrow valleys are usually devoted to water meadows, irrigated with the clear, limpid streams of these districts, and commanding rents of 60s. to 70s. per acre. Excepting the Downs and home pastures, all the rest of the land is under arable cultivation, and being uniformly on a dry, chalky subsoil, is peculiarly suited for sheep feeding on turnips, and for the growth of barley of the finest malting quality. The best land is usually found gently sloping from the base of the hills to the water meadows, and is composed of a deep, strong loam, with thick, black flints, and worth 40s. per acre. Above this range, ascending towards the Downs, the land gradually becomes lighter, with a smaller flint of a bluish colour, and varies in value from 30s. to 20s. The Down arable has usually a thin, weak soil, with a small, white gravel, or a large, jagged edged flint, and ranges in value from 15s. to 10s. per acre; the Downs vary from 5s. to 12s. per acre. The chalk formation is, with little exception, well farmed, and has been increased in value by the liberal application of artificial manures.

The Tertiary formations resting upon and lying to the eastward of the chalk, have not come specially within the range of my observation, and I do not, therefore, propose to treat of them. They are fully described in Mr. SQUAREY'S Paper.

The alluvial formation is of considerable extent in the West of England, occupying the great Bridgewater level, Sedgemoor, and the North March, in Somersetshire; the

lower level of the county of Gloucester, which follows the course of the Severn from Avonmouth to Berkeley in a belt from 1 to 3 miles wide; and a tract of land in Monmouthshire extending from Newport to the river Wye, near Chepstow. In addition to these larger levels, nearly every river is flanked by its narrow belt of alluvial deposits. All the levels which adjoin the river Severn and the Bristol Channel lie below high water mark, and are protected from the sea by sea banks or walls. The land is mostly in pasture, and is of great value for dairy and grazing purposes. The subsoil is composed of beds of peat and clay, and the value depends upon the depth to which these beds have been covered by the silty deposits of the intersecting rivers. The great Bridgewater level is drained by the rivers Parret, Brue, and Axe, and their tributaries, which, before they were confined to their present channels by artificial embankments, overflowed the adjoining lowlands, and gradually covered them with deposits of the rich silty mud washed down by these rivers and the Severn into the Bristol Channel. The lands immediately adjoining the sea coast and rivers are consequently several feet higher than the more distant lands, on which beds of the clay and peat appear on the surface. In wet seasons the rivers Brue and Parret, and their tributaries, bring down vast quantities of water from the hills and uplands, and cause serious floods on many thousand acres of the more inland moorlands. These floods leave a silty deposit on the lands immediately adjoining the river, which, derived from the rich oolitic beds of the uplands, is very fertilising; but the more distant lands do not participate in this benefit, and suffer serious injury from long continued inundation. Sedgemoor has recently been surveyed by Mr. GRANTHAM, with the view of remedying this evil, and it is to be hoped that an efficient drainage may be carried out under his direction.

The lands covered with the deposits of silt are of prime grazing quality, and command rents varying from £3 to £4 per acre. In some exceptional cases £5 is obtained from hill farmers for lots of 20 to 50 acres. Other lands are more suitable for the dairy, and let for 50s. to 70s. per acre. In Sedgemoor there is a large extent of peat land subject to floods, but which is under a system of alternate pasture and arable cultivation, being difficult to maintain as permanent pasture, and the value ranges from 15s. to 25s. per acre. Near Glastonbury the peat is not subject to floods, is covered with heath, and is of little value except for fuel, for which purpose it is extensively used; but where the expense of carriage is not too great, this land is reclaimable by the deposit of earth from the banks of the river Brue, and realizes from 20s. to 35s. per acre. The Gloucestershire and Monmouthshire levels are somewhat similar in character to those in Somerset, but are not quite equal to the latter in fertility.

I have now gone through the various formations found in the south-western district. A glance at the geological maps will show that they are of the most varied description. I have endeavoured to generalize the distinctive agricultural character and value of the soils on each formation from my own personal experience and observation, without attempting to digress into the scientific investigation of date, origin, fossils, or chemical composition. I am conscious that those who are minutely acquainted with particular districts will discover some errors and omissions in detail, which are, perhaps, unavoidable in the description of a district embracing so great a variety of soil and subsoil.

Mr. E. P. SQUAREY (Member) was sure that the Meeting would share his regret at the absence of Mr. STURGE. The duty of moving a vote of thanks might, with greater

propriety, have fallen into other hands than his, but it gave him an opportunity of expressing the pleasure with which he found that the lead which he had ventured to take in suggesting a Paper on geology had been followed so ably by Mr. SMITH and by Mr. STURGE. Reference was made by Mr. STURGE in the early part of his Paper to Dartmoor and Exmoor, and he might mention a fact in connection with the former district, which might interest the Meeting, and which illustrated the change in all natural things, and gave evidence of the strange mutations which our earth is slowly but certainly undergoing. The Duke of BEDFORD's mineral agent at Tavistock told him of this remarkable fact some years ago:—he had carefully measured the sizes of some of the tors, and was able to state that there was an appreciable wear and destruction going on. This seemed to indicate the sources from which all our natural soils came, and to show that if the destruction, during so short a human experience, of a rock so apparently indestructible as the granite tors of Devonshire were perceptible, the whole of the soils dealt with in agriculture were obviously nothing less than the detritus of the old and softer series of rocks. Mr. STURGE referred to the water meadows of Dartmoor and Exmoor, and he could endorse all that he stated as to the wonderful growth of grass in the spring season; but as to the value, it required to be measured not only by the productive capacity of the soil itself, but by the fact that it was surrounded by a very large tract of barren land, and that the farmers who just manage to sustain the life of their flocks during the winter, when March and April come in those districts, are ready to give, and do give, any price demanded for these beautiful bits of green grass which fill up the valleys.

Mr. J. BAILEY DENTON (Member), in seconding the vote,

said that his views as to the valuation of land were probably at variance with those of many present. He was an old member of the Geological Society, and also a surveyor of many years' experience. Some 45 years ago he was articleed to one of the old race of surveyors who taught that no mode of valuation other than field valuation was to be relied on, and that when the fields extended beyond 5 acres, not to put two values upon such fields, was doing less than one's duty. He had been taught, however, by geology, to conduct his valuations on a different principle. No doubt it would fail to meet with approval from some present who followed the old method, but he no longer considered it desirable to make field-by-field valuations, except to support his general valuation. His practice, on the contrary, was rather to trust to a general valuation, based upon geological and other physical data, than to that detail method with which he started in early life. He happened to possess a friend in a very able man, Mr. JOSHUA TRIMMER, now deceased, who was perhaps better acquainted with surface geology than most men, and from him he learned more of that branch of the science than from any books or other sources of knowledge. He ascertained that though there was a great deal to be learned by a study of the stratification of the earth—and strata *in situ* certainly had an influence upon surface soils resting upon them,—yet that information of that kind alone was of comparatively little value in determining the qualities of soils. He therefore confirmed what was stated in the commencement of the Paper, that unless there were combined with it an acquaintance with surface geology, the knowledge of mere stratification would be of little use to the surveyor. But even a knowledge of both general and surface geology, although most useful as a guide, went but a little way to enable a surveyor to deal successfully with land, for such was the

power of man in improving and altering the soil by deep cultivation and proper scientific treatment, that those minute differences which old valuers made so much of in field valuations were altogether worthless. In his experience in the improvement of property, he had found the differences of value which he saw in his youth absolutely disappear by proper treatment of the soil. He had observed, no later than a few months ago, soil of a sterile character altered most materially by cultivation. To confirm what he said, he would ask those present only to visit the farm of Mr. JAMES HOWARD, of Clapham, near Bedford, where they would see clay which was comparatively sterile some 10 years ago, and worth some 18s. an acre, now doubled in value. The wheat which he recently saw standing there was not less than 7 quarters to an acre, and this alteration was not in one acre nor two, for it was difficult for any man to point out any difference in 50 acres together, within which 30 or 40 years ago he should have put as many variations in value as there are colours in the rainbow. As another illustration of what man may do to produce differences of surface, he would mention that in the part of England to which Mr. STURGE'S Paper related, he had actually created soil by the process known as warping. Near Par Station the improvements thus effected in the character and value of land might be seen. That land which was formerly not only of no value, but really destructive to vegetation owing to the refuse of mines being cast on its surface, was by warping—first of all by liquid warping from the china clay of the adjoining hills, and covered afterwards by a thin dry earth—raised to a letting value of £3 an acre, a sum which it was now realizing. He begged to second the vote of thanks most heartily.

Mr. WARINGTON SMYTH, F.R.S. (Visitor), said that

after the exhaustive Paper which had been read, he felt that he could throw but very little further light upon the subject. All that he could say was a few words on a district which he had been visiting for some years past, but with a very different object in view. Before hearing the Paper, it seemed to him to be improbable that justice could be done within its limits to so wide a topic, but the author had certainly contrived to construct certain generalisations out of what seemed to be far from a promising field. He quite agreed with the author, that a knowledge of geology alone would not in all cases lead to useful or correct conclusions with reference to the special objects of surveyors. A geological map, like the one on the wall, appeared to offer, with great distinctness, a number of facts which had been got at within very tolerable limits of accuracy. A certain outline or line of contact between one set of rocks and another, had there been worked out with very great assiduity by examining, say some vertical face of rock, by descending into the depths of some deep combe, and finding a rock projecting from the river side, or by means of indications afforded by the sinkings of mine shafts, and so well and carefully were these geological boundaries verified, that in places they might be declared to be perfectly accurate. Let the ground, however, be examined by a careful surveyor, and he would become aware of the fact that these data are given only here and there, frequently at wide intervals, and that therefore the accuracy of the lines must depend on the happiness of deduction which accompanied the geological surveyor. Beyond this, there could be no question that the examination of a very small piece of ground in the West of England would be sufficient to show that it is only here and there that the actual geology of the district—that is to say, the sub-strata—can produce a full effect on the actual surface of the ground, which it is the province of the sur-

veyor to look to. He was quite sure that the geologist, however practised, going to look at this ground with the special object of considering the character of the land, must feel that in spite of any geological map of which he might be possessed, he had to go to school again in order to learn to conduct an examination of a different kind. No doubt it was important to a surveyor to acquire so much of the science as should enable him to distinguish between those indications which really gave a clue to the general character of the soil, and those which were delusive and due to exceptional causes. A great part of the area dealt with in the Paper was more favourably circumstanced than many parts of England or North Wales, where large tracts of land were overspread with drift and beds of alluvium, giving a totally different character to the land from that which would be obtained from the underlying strata. In other cases, as for instance on the higher parts of Dartmoor or Exmoor, there was a local drift of such a character that it could easily be seen from whence it had been derived; the stony portions of the ground being the wreck and ruin of strata which formed the actual tops of the hills, and there could be no doubt that the soil seen there was produced by the degradation of neighbouring material. In cases of this kind there could be no sort of doubt as to the great value of geological evidence and geological reasoning. Anybody who had ascended either of the granite masses which form so remarkable a feature in the physical geography of the whole country from Dartmoor down to the Land's End, could not but be aware that, even in the valley, the detritus was purely granite material, consisting of the three main elements of which granite is composed, with two or three accessory minerals. The statements in the Paper as to the antiquity of the granite were open to objection. It was a moot question, and only last week Dr. Hicks read a most interesting

Paper at the Geological Society, pointing out a series of strata near St. David's, below the whole of those in Devon and Cornwall, and of much greater antiquity. With regard to the actual condition of the soils in this part of England, he agreed with what had been stated, but it so happened that from being acquainted with some of the principal land-owners on Exmoor, and from often travelling on foot through large portions of Dartmoor and the adjoining regions, he knew a great deal of the poverty of the soils there, and also how accurate was the opinion of the author that a knowledge of the soil alone was a very insufficient guide unless exposure, rainfall, and various other physical conditions, were also taken into account. No one visiting these districts on a summer's day, and seeing their cultivation, could believe what they looked like when a violent south-western gale was blowing, or at any time during the long winter which unfortunately reigns over those high grounds. He thought that the author might well claim the thanks of the Meeting, for the way in which he had dealt with this interesting subject.

Mr. R. H. RIGDEN (Member) said that he fully concurred with Mr. STURGE in the opinion that something more than a knowledge of the geological character of a country was necessary to enable a surveyor to make an accurate valuation; but it was a useful auxiliary when combined with other information of a kind only to be acquired by experience.

Mr. T. M. GEPP (Associate) asked Mr. DENTON to explain the process of "warping," for the information of himself, and others present who were not surveyors; also he cost of the operation.

Mr. J. BAILEY DENTON said that the operation was very simple. There were china clay works on the neighbouring hills. The liquid produced by the washing of the clay was conveyed down to the lower levels adjoining the mines. This liquid was spread over the surface by gravitation, and when in a semi-dried condition, some better earth was spread over it, in a very thin layer. The area of the land treated was something like 50 acres; and so pleased was the owner with the results that he intended to apply the process to other land belonging to him.

The PRESIDENT said that warping had been practised for a great number of years at Hatfield Chase, not far from Doncaster, by means of water from the Humber and the Ouse. The lands lying under the level of the sea at full tide were warped by the flood tides, with deposits held in suspension in the waters brought down from the higher levels. The land was previously prepared by embankments, to retain the water which, when the tide ebbed, deposited the sedimentary matter with which it was charged upon the land. The process was repeated from time to time until a surface deposit of rich soil to the depth of 10 or 15 inches was effected, the consequence of which was that in the district of Thorne, a very large tract of land consisting of a poor barren sand, covered with stunted heather, which was previously not worth half-a-crown an acre for any agricultural purpose, was now letting readily at 50s. an acre, and would sell for £90 an acre—the cost of the improvement being, he was informed, about £25 an acre. No process had been more satisfactory or extraordinary in its results than that of warping, where it could be effected by the action of a tidal river. So valuable was the



deposit thus obtained, that beyond the limits where the warping could be carried out by the simple action of gravitation, it was found profitable to make a large pit or reservoir into which the water flowed and deposited the suspended matter, from which it would be profitably carried to any land within a lead of a couple of miles. There was no district where warping had been practised so successfully as in that region. To make the matter a little clearer, he ought to explain that the Humber was the great reservoir from which the matter was received from the Trent and the Ouse, and was carried to certain points up those rivers, and from those points conducted by artificial channels into and over the district which it was proposed to warp.

Mr. BAILEY DENTON added that in South Italy the same process was carried out, and described by the term "bonification." The soil was brought from the Apennines down into the low marshes, and spread upon them to the thickness stated by the PRESIDENT with most valuable results.

Mr. W. MATHEWS (Member) said that on the geological map a great many colours were to be seen, indicating different geological formations; but, as Mr. SMYTH had already pointed out, if any land valuer were to go over the country with the idea of founding his valuation upon the data there represented, he would be seriously mistaken. A large proportion of the whole area was covered by drifts and superficial deposits, and of course the features of the drifts differed materially from those of the rocks underlying them.

Now, although a great number of Papers had been contributed to the Geological and other Societies on the nature of those drifts, he believed it to be a fact that there was, at present, no map of Great Britain really representing the

actual surface. That branch of geological inquiry seemed to be regarded by the great number of eminent geological inquirers as wholly beneath their notice. He hoped Mr. SMYTH would, to the best of his ability, endeavour to infuse into his brother geologists the contrary opinion, because so far as this and kindred societies were concerned, it was of the greatest importance that there should be a map showing the superficial deposits by which the rocks were covered. If they removed for a moment from their consideration the parts of the surface of England covered by drifts, they would have their attention restricted to large tracts in which the main formations came up to the surface. The question was to what extent would a knowledge of the character and super-position of those formations assist the land valuer in arriving at his estimate of the agricultural value of the land? Every valuer, whether a geologist or not, could roughly tell the difference between limestone and sandstone, and between sandstone and clay; and if he guided himself by the texture of the soil he was examining, and by the quality of the crops it appeared to produce, it was a matter of very little moment whether the clay were Lias, Oxford, or Kimmeridge clay. From that point of view he thought there was not much to be gained by a land valuer in acquainting himself with the character and position of the rocks; but there were other points of view from which a knowledge of geology was of the most vital importance, and, as had been said, the functions of land surveyors went up to the sky in one direction, and down to the centre of the earth in another. They ought not to restrict themselves to the agricultural value of the land. There were one or two purposes for which a knowledge of geology was vital to the surveyor. It was of the greatest importance that he should be acquainted with the nature of water-bearing strata; the depths at which water may be found, and the

means by which soils which are unduly provided with it may be freed from the excess.

From that point of view the surveyor should be acquainted, not only with the character of the different formations and their order of super-position, but also with the manner in which they are affected by joints and faults, for the faulting of a district was an important element in its water-bearing conditions. He was sure that he need not dwell upon the vast importance of geology as regarded minerals, especially coal. The boundaries of our coal fields were being very much extended, and coal was known to extend under the red rocks, in positions where, 20 or 30 years ago, no one dreamed of finding it; and, in dealing with estates, it was of the greatest importance that land agents should keep in view the idea of the probable existence of coal fields under those formations, and should make themselves acquainted with the rocks which immediately underlie the coal measures. On the other hand, properties were frequently offered for sale as mineral estates, when a geologist would know that the prospect of their containing minerals was visionary. In his own district, sinkings had recently been made through coal measures, and very thin coal beds had been actually found. The shafts went into red rocks, containing fossils; but, until those fossils were examined, it was not seen that there was no further hope of finding coal there. From these points of view a knowledge of geology was of the greatest importance to surveyors. He was surprised, however,—and no less surprised than gratified,—to find the extent to which a knowledge of geology was spreading among the surveyors of Great Britain; and, while he looked forward with satisfaction to the effect which that extension of knowledge would have on the profession, he no less indulged the hope that it would have

an equally good effect upon geology. There was nothing more likely to advance geological science in this country than the circumstance that a large number of surveyors were exercising their profession in every part of Great Britain, and were ready to observe and record any interesting geological facts that might come under their notice.

The PRESIDENT said that he felt it would be out of place to offer any remarks on the subject of geology, with which, as a science, he was very imperfectly acquainted. He had listened with great pleasure to the admirable Paper which Mr. STURGE had furnished, and was equally interested in the discussion which had ensued. He quite agreed that the information supplied by geological maps was of too general a kind to be of direct use for special valuations of particular districts, but it was most valuable as a guide to the general character of soils in those districts. Referring, for instance, to the neighbourhood in which he lived (the valley of the Trent), he found, on looking at the geological maps, that a district described as the Keuper Marls, extended ten miles to the south, where it joined the lias to five or six miles on the west, where it joined the red sandstone; yet nothing could be more various than the soils within that area. That limit included the very best and very worst arable land in England, certainly land varying in value from £3 an acre to 10s., yet all these Keuper Marls overlay the red sandstone rock. The general description, nevertheless, had its value, if taken in conjunction with the rainfall and elevation of the ground. Relative to the drifts which so frequently overlaid the true geological rocks, he would take the district of West Suffolk, described on the geological map as chalk. No doubt this correctly described the underlying rock; but six or seven miles west of Newmarket, in one

particular parish which he had in view, the chalk was covered with a surface of sand eight or nine inches thick, forming a very light species of barley and turnip land, worth 15s. an acre. In the same district, however, there was land covered with strong clay, called the boulder clay, which also rested upon the chalk formation. Looking at it as a practical man, he should have thought from its stiffness that the clay he referred to would have realized a rental of 22s. an acre, that was to say, comparing it with the same character of land in the Midland counties, or in Yorkshire; but he found after an experience of 10 years in that district, that his conclusion was incorrect, and that clay overlying chalk was a very different thing from clay resting upon a similar subsoil; and also that this clay, with the higher temperature and lower rainfall of Suffolk, differed materially from the same description of clay in the Midland districts, under other meteorological conditions, neither burning in the hot seasons, nor becoming saturated in wet weather. This clay land in Suffolk was the most certain and productive of any land he knew, and let readily at 35s., instead of the 22s. at which he at first assessed its value. It was desirable to have, and he hoped the time was not distant when they might have, further information from geologists as to the surface drifts. The three important factors for the surveyor's purposes were geological structure, altitude, and rainfall. As regarded the second of these influences, it was only necessary to consider a few facts to show its important effects upon the value of land. It was well ascertained that a vertical elevation of 1,000 feet in this island, marks the extreme point of cultivation. Then as to temperature, as affected by elevation, from the best information available, it was found that there is a variation of 1° Fah. for every 276 feet of vertical elevation. Therefore, in the case of lands

lying 500 or 600 feet above the sea level, it would be seen at once how very important a consideration it became. This was equally the case with rainfall, the differences in particular districts being most striking. For example, at Edinburgh, the average rainfall was only 19 inches, whereas at Lochgilphead, about 40 or 50 miles away, it was 45·70 inches. The average rainfall in the Midland counties was 26 inches, and at Exeter was 31 inches. They had only to look at the different values of the same character of the soil in different districts to understand how important a bearing elevation and rainfall had upon the cultivation and value of land. Take the granite soil for instance, which, in the north-west, lies at a great elevation, and was subject to a great rainfall, and was, in consequence, comparatively uncultivable. In the far west of Cornwall, on the other hand, the same soil, under other conditions, was among the most fertile to be met with. The oolite, again, in the east part of North Yorkshire, lying at a considerable elevation (some 800 feet), and containing an admixture of sand, was, to a large extent, barren moorland; while the same oolite in the West of England, at a lower elevation, and mixed with lime, became moderately fertile arable land. On the other hand, the Lincoln Heath, which was oolite mixed with sand at that elevation, was one of the best farmed districts, and of considerable fertility. In those two large formations, these instances showed to how great an extent the agricultural value of land was modified by conditions of elevation and rainfall.

There were one or two other points upon which he would add a word or two. One with regard to the effects of limestone upon vegetation. He found himself at a loss to understand how it was that the carboniferous limestones of Derbyshire should produce the high quality herbage they did, in those parts of Derbyshire lying round Ashbourne, where

the land lies at a considerable elevation, and the district is subject to a very considerable rainfall. There was a quality in the herbage there which gave it a high agricultural value. It was only by observing the character of the herbage growing on that land that the high rents could be understood. It was not so much a question of the bulk as of the highly nutritious character of the herbage. Wherever that carboniferous limestone extended, the pastures were of a very healthy, nutritive, and therefore very valuable character.

With reference to Mr. DENTON's observations relative to Mr. HOWARD's farm, at Clapham, he would remark that he saw that farm a year ago, and endorsed everything said with regard to the marvellous results attained by the outlay and skill which Mr. HOWARD had applied to that particular property. At the same time it struck him that it was an instance rather to admire than imitate, because he left with the impression that, taking into consideration what it cost Mr. HOWARD to produce those results, if that land were put into the market it would be found to have been an unprofitable speculation. A great deal was being done to improve the clay and sand soils of the country, but there were limits which Nature had laid down. In Nottinghamshire, on lias, there were estates which had been purchased by wealthy men, who had spared no expense in every operation which could improve the value of their property; and, notwithstanding that those improvements had been going on for 20 or 30 years, the results were not such that he could recommend any one to follow the example. Few farmers of capital could be found to occupy farms on these soils, and it was impossible for any outlay to change, to a very material extent, the character which Nature had given to them. He agreed with Mr. DENTON's method of relying more upon a general than upon a detailed valuation,

although, as a valuer, he should think it necessary to make a detailed valuation of every field. Both methods, however, were subject to correction from that general knowledge which a man may by practice acquire.

He would also add a word with regard to the value of geology in enabling surveyors to deal properly with minerals, and to the mistakes made in dealing with land for want of that knowledge in very recent times indeed. Geology as a science had shown a power of generalisation superior to that which practical men had been able to gain from their own experience. Living in Nottinghamshire in the neighbourhood of coal fields, and the great red sandstone formation, he knew that, within the last 20 years, there were proved to be large beds of coal under the magnesian limestone, where few persons previously believed coal to exist, and 20,000 acres of coal within the last 10 years had been let, and were now being sunk for, where the best engineers in the district formerly doubted its existence. He remembered that Sir RODERICK MURCHISON gave a lecture, at Mansfield, not more than 10 years ago, in which he pronounced a most positive opinion that coal would be found under this magnesian limestone, and, as he had said, 20,000 acres have now been let, and are being sunk for. Geology in that respect had rendered immense service to the surveyor, and it was of the greatest importance to him to have all the aids which the science can offer him. The question of ironstone was equally important. There was a large deposit of ironstone in North Lincolnshire, in Northamptonshire, and also in the marlstones worked in Leicestershire, and the country bordering on Northamptonshire. Those deposits, a few years ago, were not believed to exist at all, and yet they were found to exist in large quantities, and to be of enormous value. In conclusion, he ventured to express a belief that

the evening had been most profitably spent, and he was sure he should be expressing the sentiments of Members when he said they were very much obliged to all the gentlemen who had given them the benefit of their observations and experience.

The vote of thanks having been unanimously passed, the Meeting adjourned.

THE LANDLORD AND TENANT QUESTION.

BY J. E. KNOLLYS, MEMBER.

*Read at the Ordinary General Meeting of the INSTITUTION OF SURVEYORS,
January 4th, 1875.*

THE PRESIDENT IN THE CHAIR.

THE relations of landlord and tenant in this country, the tenure of land, the security for capital invested by the occupying tenant, and compensation on his quitting for improvements effected by him, are subjects which have latterly not merely been discussed by those immediately connected with land and its cultivation, but have acquired a more extended and general interest.

The beneficial working of the Lincolnshire tenant-right system has led to a desire in many minds for its more general adoption, while the passing of the Irish Land Act has to some extent fostered demands of an extravagant character, wholly unfitted to the circumstances affecting English agriculture. No serious attempt, however, has been made to legislate on these subjects since Mr. PHILIP PUSEY's Tenant-Right Bill (introduced, I believe, in the year 1846), till the session of 1873, when a "Bill for the Improvement of the Relations between Landlord and Tenant in England" was introduced by Mr. JAMES HOWARD, of Bedford, and Mr. CLARE SEWELL READ.

At the present time, legislation on the subject appears to be near at hand. The general demand for it by

those engaged in farming,—so far as it can be gathered from the expression of Farmers' Clubs and Chambers of Agriculture,—the present position of political parties, and the language of the Prime Minister, render it clear that early legislation on the subject may be expected. What that legislation will be may possibly very much depend upon the views expressed by able and competent men, approaching the subject without bias, and looking at it fairly, both from the landlord's and tenant's points of view.

Under these circumstances, a discussion of the subject by the Members of this Institution may possibly be of material service; and I venture to commence it by this Paper, feeling well assured that the larger and more extended knowledge of the subject possessed by so many of its Members will supply my deficiencies and correct any errors into which I may fall.

What, then, should be the character and what the leading principles of any legislative enactment affecting the relations of landlord and tenant in those particulars which, for brevity's sake, we call "tenant-right?"

If the Act is to be generally adopted, it is essential that its character should be *moderate*. While encouraging tenants to improve and maintain the condition of their farms up to the time of their quitting, by securing to them payment for such portions of their improvements as the duration of their tenure did not allow them to reap the benefit of, it must, at the same time, scrupulously respect the landlord's interest. The improvement or improved condition for which a landlord or the succeeding tenant is called upon to pay should be clear and undoubted, and not hazy and speculative; and, as the Act would give increased security to the tenant for the due return on his capital expended in good farming, so it should give increased security to the landlord against bad farming.

In considering how these principles and objects can be best carried out, it may be convenient to examine the Bill brought in by Mr. JAMES HOWARD and Mr. CLARE READ, in 1873, and see how they are there dealt with.

That Bill deals first with the question of compensation to tenants quitting their holdings, for improvements made by them, and entitles them to claim compensation from the landlord for these improvements, under the three heads of—

1. Temporary,
2. Durable, and
3. Permanent Improvements,—

Settles the limits within which such compensation should be payable, and directs the mode by which its amount should be ascertained.

Then in the 12th clause, bars the tenant from entering into any contract by which he would be excluded from claiming compensation under the Act.

In the 14th, excepts holdings under the Lincolnshire tenant-right, or other well-established custom.

In the 15th, excepts lessees holding under terms of not less than 20 years from compensation for durable or permanent improvements, and

In the 20th clause makes, in yearly tenancies, 12 months' notice to quit necessary instead of 6, as at present.

Other clauses give the landlord power to deduct from any compensation payable for temporary improvements, sums awarded to be due from the tenant in respect of a foul and neglected condition of the holding,—

Direct a system of arbitration in respect of claims for dilapidations and deterioration of the soil,—

Empower landlords to take land for erecting cottages after 6 months' notice, and

Authorize limited owners (and under certain restric-

tions, other owners) to charge their lands with an annuity in respect of the sums payable in tenant's compensation, and, subject to certain conditions, empower limited owners to grant leases binding on their successors for any term of years not exceeding 21.

TEMPORARY IMPROVEMENTS.

Compensation for "Temporary Improvements" extends to "outlay effectually and properly incurred by a tenant in the purchase and application of manure or fertilizers for other than corn crops, or in the purchase of corn, cake, and other feeding stuffs consumed by live stock on the holding."

Under the designation, therefore, of "Temporary Improvements" come the allowances to be made to an outgoing tenant for the value of unexhausted purchased manures and purchased feeding stuffs. These are the subject matters in respect of which English farmers are chiefly desirous of obtaining a legal claim, and security for a fair repayment of unexhausted value in these things should be the first aim of a Tenant-right Bill, not merely as a matter of equity to the outgoing tenant, but also, as will be presently seen, on public grounds.

On a well-managed farm, where the tenant is not short of capital, there is a constant outlay going on in the purchase of manures or in the use of feeding stuffs, by means of which the ordinary productions of the farm, and especially the amount of stock annually sold from it, are largely increased. This outlay, especially in the consumption of feeding stuffs, it is the interest of the landlord to encourage, and to induce the tenant to continue so long as he holds the farm.

But towards the expiration of a lease or the ending of a tenancy, a tenant would be unwise to maintain his

usual system of feeding and management, unless he had some guarantee that he would be paid the value of that portion of his expenditure from which he had not time to obtain a fair return, and which would be left for the benefit of his successor. Consequently, without this guarantee, the farm goes back in condition, the succeeding tenant has to sacrifice time and money to get the farm up to the mark again, and the country at large suffers from the smaller quantity of food which, under this fluctuating system, is produced. Or if from any unexpected cause the farm has to be given up on short notice, the tenant is liable to considerable loss, and the more liberally he has farmed, the heavier is his risk. Now it is to be observed that neither a lease for a term of years, nor in the case of a yearly tenancy, a longer notice to quit,—means which have been suggested by persons of high authority,—are sufficient to meet the case. They do but deal with one part of it. They enable the tenant to stop his outlay in corn and cake, &c., in time to protect himself against loss, and to take out of the land as much of its good condition as he can before he leaves, and thus give him a security that he shall reap the benefit of the increased fertility and production which his expenditure may bring about. But a lease for a term of years, unaccompanied by some method of compensation for value left in the land at the end of the term, offers no inducement to a tenant to carry on his feeding and manuring during the last years of his lease. It protects the individual lessee, but fails to maintain the land to the end of the term in that state of fertility and condition in which it ought to be, and which would be alike an advantage to the incoming tenant, the landlord, and the country.

But as an argument against this view may perhaps be drawn from Scotch farming, which has acquired a high reputation, and is usually carried on under leases for 18 or 19

years, let me quote the words of Mr. McNEIL CAIRD, Chairman of the Scottish Chamber of Agriculture. He says —“ On a seven-course farm, held on a 19 years’ lease, you may reckon that the last 5 years will be a period of reduced expenditure by the outgoing tenant and of exhaustive cropping. Then the first 7 years of the new lease will be a period of liberal expenditure and gradual restoration of productive power. For the next 7 years you may expect the farm (unless it had been greatly reduced) to be in full fertility ; and then begins again the evil cycle of exhaustion. You will have on the individual farm 7 years of Egyptian fatness, alternating with periods of comparative leanness ; but the lean years will be in the proportion of 12 to 7.”

Doubtless many of our Members, who are better acquainted with Scotch farming than I am, can judge whether Mr. CAIRD’s statement is too highly coloured. Allowing it to be so, it still shows that, in these days of enrichment of the soil through purchased matter, the mere lease for a term of years fails to keep the farm in its full power of production to the end of the term.

To bring about, then, a better state of things, a fair system of compensation to the outgoing tenant is necessary. And in considering what is a fair system of compensation, these two principles should, it appears to me, be kept steadily in view.

1. That the incoming tenant should only be called upon to pay for that which brings to him a clear benefit.

2. That the outgoing tenant should not be entitled to compensation for such portion of his outlay as an improved condition of his stock or increased crops has already repaid.

The system also to be generally applicable must be elastic and capable of being applied to farms held under varying conditions and varying times of termination of tenancies.

For instance, the measure of compensation payable to a

Lincolnshire tenant quitting at Lady-day, and leaving all the manure made from cattle and sheep in the previous winter for the use of his successors, must necessarily be very different from that on a West Norfolk farm, where the tenant quits at Michaelmas, and is paid by valuation for his root crop on which, or on his corn and grass, he can use all his winter-made manure.

Bearing in mind the guiding principles before-named, I do not see that a better system for general application can be adopted than that usually followed, of allowing to the outgoing tenant a proportion of the cost of the manures and feeding stuffs which he has used; this proportion varying according to the nature of the article, the time of its use, and the benefit which it has already conferred.

But this method of arriving at the sum to be paid to an outgoing tenant for unexhausted value in manures and feeding stuffs, and which appears to be that contemplated in the Bill of 1873, requires to be carefully guarded and restricted.

The limitations laid down in clause 3 of the Bill of 1873 appear to me to be well considered and in the right direction, but to require some further addition, and I hope in the discussion which will follow, some other Members will take up this point and give us the result of their experience upon it.

I have myself little doubt that, with care, leading principles may be laid down for the guidance of arbitrators, capable of being applied to all varieties of holding, under which the interests of the incoming tenant may be protected, and yet giving sufficient inducement to the outgoer to continue the system of feeding and management to the end of the tenancy.

I speak of the interests of the "incoming tenant" because, though for security to the tenant quitting, the landlord must be made primarily responsible, the ultimate

payment of the compensation in respect of unexhausted value in manures and feeding stuffs will fall upon the person receiving the benefit, viz.—the succeeding occupier.

We come, then, to the two other subjects of compensation—those for “Durable” and “Permanent” improvements.

DURABLE IMPROVEMENTS

Are described as “subsoiling, removing stones, liming, chalking, marling, claying, boning with undissolved bones, laying down permanent pastures, or other improvements having a durable effect in amending the land or deepening the soil.”

These are subjects which require to be very carefully dealt with, or the landlord or succeeding tenant may be charged for an expenditure from which they get very little advantage. The check provided in the Bill—viz., “That no outlay should be taken into consideration which has not in the opinion of the arbitrators added to the letting value of the holding,”—is not, it seems to me, sufficient. How can this additional letting value be ascertained, unless the previous state and value of the land be known to the arbitrators? What is more likely than for a young man (fresh from Cirencester perhaps), full of energy, and anxious to improve his farm, to go wrong in this class of improvements? He spends his money freely upon them, but does very little real good, gets into difficulty, his farm is given up, and a heavy claim is made upon his landlord, backed by the undoubted fact of the expenditure of large sums in these works.

I think the experience of many Members of this Institution will be against subjecting the landlords of England to claims of this sort, without some more efficient check than is provided by this Bill. On the other hand, works of

this sort, if judiciously effected, are often sources of very great improvement, and no system of tenant's compensation can be said to be perfect which does not in some manner provide for them.

I am aware that among many persons, whose views are entitled to great weight, an opinion prevails that this class of improvements should be grouped with those before referred to as "Temporary." I venture to differ from this view. The outlay in temporary improvements is that which would be going on in the ordinary and usual course of a well-managed farm, and which may be described as affecting its *condition*; and, as we have seen, one great object in giving compensation for it, is the maintenance of the land, on changes of tenancy, in its previous good condition.

But any outlay on these "Durable" improvements is altogether of an exceptional character, and affects not so much the condition of the land as the staple of the soil, and is, I think, rightly dealt with in a separate schedule.

And, as being exceptional, and not affecting the ordinary management of the farm in the state in which it is first let to the tenant, I consider that the landlord's assent should be obtained before any works of this sort are commenced, if he is made liable to a claim in respect of their cost.

This, then, would be the first check on injudicious expenditure in this class which I would add to those in the present Bill, viz. :—

"That no outlay made without the written consent of the landlord or his agent shall be taken into consideration."

The next provision which I would suggest is to shorten the term over which any claim of this sort shall extend.

In the Bill it stands—"That no outlay made more than 10 years before the tenant quits the holding, shall be taken into consideration." This period I would reduce to

5, and reckon each year's occupation after the completion of the improvement as compensation for one-fifth of the cost. I believe it to be no real advantage to a tenant to induce him to spend his money upon anything which will not quickly repay the cost. If, however, the works are such that a 5 years' occupation, or a compensation based upon that principle, would not repay the outlay, then, under the enabling powers of the Act, a lease may be granted sufficiently long to recoup the tenant. For it should be borne in mind that the exceptional expenditure in durable improvements, unlike a continuous expenditure in feeding stuffs, can be sufficiently met by the grant of a term of years.

I believe there are very few instances in which the "Durable improvement" proposed by the tenant was likely to be a real and distinct benefit, that would not be met by one or the other of these two methods of compensation.

PERMANENT IMPROVEMENTS.

This brings us to the question of compensation for "Permanent Improvements," — building, draining, road-making, &c. Now, though it is just and right that if permanent improvements be made at the cost of the tenant, under arrangement, and with the written consent of the landlord, that the tenant should be compensated, on quitting, for such portion of the outlay as the duration of his occupation shall not have repaid, yet I doubt the beneficial effects of encouraging expenditure of this sort to be made by tenants. The prevailing usage on English estates is that the landlord makes the permanent improvement, and charges interest or increased rent accordingly. Any legislation which tends to the Irish system under which building, draining, and other works of a permanent character

are done by the tenant rather than by the landlord, would, I believe, injure and not improve the relations at present existing between English landlords and their tenants. An occupation, therefore, of 20 years should, I think, as proposed in the Bill of 1873, extinguish all claim in respect of buildings, and a lesser period in respect of draining, fencing, road-making, &c.

Limited owners should not have power to agree with tenants to make permanent improvements, except under the authority of the Inclosure Commissioners. They should be enabled to charge their estates with an annuity in respect of the compensation paid by them for permanent improvements, but for permanent improvements only. The duration of the annuity should not, I think, exceed 25 years. In the Bill of 1873, a term of 35 years is named ; but it is not desirable to enable limited owners to effect improvements through their tenants on more favourable terms than the Legislature enables them to do under the existing Improvement Acts when the works are executed by themselves.

If, through the Public Works' Commission, or any other method, facilities could be given to land-owners in general, or even to limited owners only, to obtain money for the permanent improvement of their estates, at a lower rate of interest than at present, it would be far preferable to holding out inducements for the effecting of these improvements through the means of their tenants.

Assuming, then, that compensation to outgoing tenants in the manner I have indicated be desirable and recognized by the Legislature, the great question comes,—raised by the 12th clause of the Bill of 1873,—“Shall these terms be made compulsory, or shall landlords and tenants be left, as at present, to make their own arrangements?”

On this point opinions differ very widely, some persons

affirming that the Act would not be worth the paper it is written on without this clause, and others that freedom of contract should be maintained in all its integrity, and the clause expunged. Are not both these views carried to extremes, and is there no middle course which we may adopt? Surely the State has strong ground for saying in the interest of her people to all land-owners, "This waste of means and loss of production which is constantly occurring on expiration of leases and changes of tenancy, ought not to continue. *Some* terms you must adopt to stop it. Make your own terms if you like, but, failing this, the terms laid down in the Act must apply." And in this principle there seems a fair solution of the great difficulty besetting a Tenant-right Bill.

At present, on a large number of the best managed estates throughout the country, there is, in some form or another, written or unwritten, a recognized method of compensation to tenants for unexhausted improvements. There are also a large number of land-owners and agents who are well disposed towards the principle, but who hesitate to grant a "tenant-right," not knowing quite where it will lead them, and fearing that in some unforeseen manner they may be subjected to liabilities which they did not intend. To these last it will be a great boon to have terms laid down in an Act of Parliament, rather than to trust to conditions prepared by themselves. Again, the enabling powers which must necessarily be given to owners having only a limited interest, will do away with grave objections which now frequently exist.

I cannot think, then, that the principle I have suggested will be objectionable to the great majority of land-owners. Will it be acceptable to tenants?

On this point we have to some extent an answer in the

Bill of 1873, in which tenants holding and claiming under the Lincolnshire or other well-established custom are excepted from its operation. And if this holds good, where tenant-right is granted by custom, much more should it do so when it is made the subject of distinct agreement.

Of course the objection will be raised that a land-owner might grant the very minimum of tenant-right, and thus to a great extent exclude his tenants from the advantages of the Act. No doubt this is so. And whatever may be the legislation, some loophole for escape will be found by those who are determined to seek for it. But I do not believe that this would be the course generally taken by English land-owners. Those who would act in this manner would be but a small minority—a minority getting less and less as the principles and working of the Act became better understood,—and thus either under agreement or by special custom, or under the provisions of the Act, compensation for improvements would be ensured to every tenant-farmer in England.

Before leaving the subject of compensation, it should be noted that efficient and ready means of recovery from a landlord making default in the payment of the sum awarded or agreed upon, should be supplied by the Act. This remedy might be either by distress upon the landlord's goods, or upon those of the succeeding tenant, with power to enable him to set off the same in account with, or recover it from, his landlord. But it should not, in my judgment, go to the extent named in the Bill of 1873, under which the tenant is given power to hold over the premises until the compensation is either paid or secured to him.

We come, then, to the question whether a legal notice to quit, in a yearly tenancy, should exceed 6 months as at present.

With a fair system of compensation to outgoing tenants,

there seems small reason for extending the time in which a notice to quit a yearly tenancy is to take effect.

Twelve months' notice would frequently mean 2 years of almost unrestricted license, and would encourage an indolent and unprincipled tenant in possession of a farm, without a stringent lease or agreement, to injure it materially by over-cropping and mismanagement before quitting. An alteration of the law, therefore, in this respect, seems to me to be little needed, and to be open to very serious objection.

This Paper has run to so much greater length than I had intended that I must refer very shortly to the provisions which, concurrently with security to the tenant, should give the landlord some security against bad and negligent farming.

I have noticed the provision in the Bill of 1873 which empowers the landlord to deduct, from any compensation payable to the tenant for temporary improvements, such sum as arbitrators may award in respect of the foul or neglected condition of the holding. But this, in practice, is worth very little. The man who is farming ill or negligently is not likely to be entitled to compensation for feeding stuffs, &c. Therefore, a landlord should be enabled to obtain an arbitration in respect of foul ~~and~~ negligent management of the land, as well as of over-cropping and dilapidations, and to recover the sum awarded either as rent in arrear or as liquidated damages. This award should be made without reference to the "custom of the country," and the state of things inconsistent with good farming at the present day; but it should be in the discretion of the arbitrators to award such sum as, under all the circumstances of the case, they may consider just.

With the modifications I have thus ventured to suggest in this Paper, and a careful revision of its details, it seems to me that the Bill of 1873 may be moulded into a satisfactory

enactment upon this important subject, and tend not merely to improve the relations at present existing between landlord and tenant, but to enlarge the supplies of food for our rapidly increasing population.

Mr. W. J. BEADEL (Member), in proposing a vote of thanks, said that the Institution was under peculiar obligations to Mr. KNOLLYS for the sacrifice of time and labour necessary for the preparation of a Paper on this important subject. He thought it neither desirable nor possible that the whole question of tenant-right should be discussed that evening, as many gentlemen would be anxious to give the Paper careful consideration; more particularly as the subject was one which, at the present time, was taking a great hold of the minds of people, and had been judged and prejudged in a variety of ways by those who represented the respective interests involved. There were features in the proposed Act of 1873 which were undeniably good; but the gist of the Bill lay in the 12th clause, and upon that clause there appeared to be a great diversity of opinion. Now, although the promoters of the Bill ventured to declare that without that clause the measure would be perfectly useless, he had not been able to bring himself to believe it right that an Act should be passed whereby the freedom of contract between owner and occupier was to be done away with. The only result which could follow would be an opening for an enormous amount of fraud. Dismissing that question, however, for the present, he would offer a few practical observations on some of the points raised in the Paper. The object of the contemplated Bill was to give compensation for improvements, under three heads—temporary, durable, and permanent. The first of these referred to the consumption of corn and cake and other feeding stuffs, and the manure put upon the land. It was worthy of remark that the county

of Lincoln was specially exempted under the provisions of the Bill, for no reason that he could see which did not apply, though, perhaps, in a diminished degree, to some other counties. No doubt there was a well-established tenant-right in Lincolnshire, and it was probably thought by the framers of the Bill to be worthy to serve as a model for the rest of the country. Representing, as he did, large properties in the county of Lincoln, he could assert with confidence that its farming was not surpassed in any other part of the United Kingdom. Whenever a farm was to let, the number of applicants for the holding proved that tenants regarded with favour the tenant-right which prevailed in that county. Certainly it was framed with due regard both to the interest of outgoing and incoming tenants, and the system had been carefully developed by the skill and integrity of the Lincolnshire agents, who had done all in their power to discourage fraud, and to defeat fictitious claims.

But notwithstanding all this, if Lincolnshire were to be excepted from the operations of the Act because it had a tenant-right of its own, why, he would ask, should not other counties which also had a tenant-right of their own, share the exemption? In some of the southern counties (Surrey and Sussex for example) there had been a recognized tenant-right for generations, and their customs had strenuous defenders, although not in himself. He supposed that the old adage must be borne in mind, that circumstances alter cases. What was right with regard to a Lady or May-day might not be right with regard to a Michaelmas tenancy. He could easily understand that a certain portion of the cake which a man chose to feed on the farm should be repaid to him, because the incoming tenant enjoyed a share of the benefit in the increased value of the manure left behind; but a distinction should be made between the manure which had been the result of feeding under cover,

and that made in open yards washed by the rains of Heaven. Where manure was valued from tenant to tenant as was customary in many counties, to charge the incoming tenant, in addition, with a half or a third of the cake bill, and either a third or a fourth of the linseed bill, would be to do him great injustice, and to lock up capital which would be otherwise available for the ordinary occupation of the farm. Irrespective of which there should be some security as to the quality of the feeding material used. The manufacture of oilcake and other feeding stuffs for agricultural purposes had been largely increasing of late years, and, so far as one could judge, the business appeared to be a very profitable one. His experience (and he believed Dr. VOELCKER would support him, whose ready and kindly assistance in analysing samples he desired thus to acknowledge) was that a large amount of cake sold as linseed was scarcely linseed cake at all, and that in no material was there greater adulteration than in the feeding stuffs supplied to the farmers for their cattle. If this were so, what security, he would ask, was proposed, in order that an incoming tenant should pay only for that from which he received a corresponding benefit? As to so-called durable improvements,—such as marling, chalking, liming, and subsoiling,—no doubt operations of the kind might result in great improvement to a farm; but it was right that there should be a limit to the time for which a tenant should be paid for an outlay of the kind, for the object of all tenant-right was to give a man a reasonable opportunity of profiting by the outlay he had made, and of recouping himself principal and interest. In Lincolnshire there was a recognized custom extending, in some instances, to 7 years, and a tenant who had clayed or marled his land considered that he reaped the full benefit of the improvement by an undisturbed tenancy of 7 years, no matter what the value to the landlord.

As regarded permanent improvements, there was one item of outlay included in this class which belonged, he thought, rather to the category of durable improvements—he alluded to draining. Why, he might ask, should draining, which was a source of more full and immediate benefit to the tenant than any other improvement, be included among the former class? Again, although it might be said that land drained was permanently improved, as a matter of consistency there seemed to be no valid reason why the principle applying to ordinary mercantile improvements in trade premises should not apply in agricultural occupations. Assuming, for the sake of argument, that a lease of a farm be granted, and that the tenant found on entering upon his occupation that the first necessity was draining, to enable him to get a good return from the land. He hesitated at once, saying, “If I drain this land I shall benefit not myself merely, but my landlord. It is quite true I have a lease, but the land will be permanently improved, and unless my landlord will assist me I hesitate to make this outlay, because he also will share ultimately in the benefit.” In mercantile life, on the contrary, the man who obtained a lease, say of a shop, argued, “By spending £500, or perhaps, £5,000, on the improvement of my premises, I can increase my business during my tenure, and shall thus recoup myself both principal and interest, and this being the case, I am content to leave my shop and premises of increased value to my landlord.” Why should not the same principle apply to tenant farming? Why, if farmers could see their way to lay out their money in claying or marling, or draining, and in other ways improving the land, should they not have the same inducement to do so as the tenant of a shop has, under the security of a lease? No doubt with tenants holding from year to year, the uncertainty was too great to warrant them in laying out their money on the mere chance of reaping

the benefit ; but in Lincolnshire this was provided for, by a custom (perhaps not a universal one) which provides that if tenants themselves are at the whole expense of draining, and are dispossessed of their holdings within a period varying from 7 to 10 years, a certain amount of the cost is returned to them, assuming that the draining be efficient. To practical Members of the Institution, the question of draining must occur as being one of the most difficult to which the principle of tenant-right could be applied. The variety of opinions as to the depths and distances apart, for purposes of efficient draining, were remarkable. Some farmers say they would not give a "thank you" for drainage deeper than 2 feet ; others that they would not put the pipes lower than 20 inches, and so on, whereas science had proved that draining of the kind was money comparatively thrown away. Any Bill giving a tenant a right to compensation for drainage done, according to his fancies, whether really efficient or otherwise, would only lead to a large amount of litigation. The author of the Paper recommended that no improvement of the kind should take place, excepting with the written consent of the landlord or his agent. In a variety of instances that would amount to no tenant-right at all, because, taking it that an owner had no desire to improve his property, or that he was tenant for life, or possessor of scanty means, he would hesitate before he saddled himself with a heavy outlay for an improvement which the incoming tenant would possibly neither recognize as such, nor care to pay for. Altogether, therefore, although the proposed Tenant-right Bill had in it much which was good, it was at present but a crude measure, and the whole subject was not sufficiently understood to justify the proposed legislation. It would be of great advantage towards a right understanding of the question if the Members of this Institution, who represented the interests of both owners and tenants, would

seriously consider the matter, and give the public the benefit of their experience, bearing in mind the importance of acting upon this principle, that whilst endeavouring to do justice to one class, they must avoid doing injustice to another.

Mr. J. MARTIN (Member) briefly seconded the vote of thanks.

Mr. W. J. BEADEL said he was desirous of adding an observation as to a 12 months' notice, as against a 6 months' notice to quit. He would not like it to be imagined that he attached no importance whatever to the question of notice. He thought a 2 years' notice most objectionable, but had no hesitation in advising all landlords for whom he acted to give 12 months' notice; because he thought it only just to tenants that they should have that opportunity of regulating their farming operations, and seeking a future home for themselves, more especially where a tenancy expired at Michaelmas instead of Lady or May-day.

Mr. E. J. SMITH (Member) entirely concurred with those Members who wished to postpone their observations until the next Meeting. The questions raised in the Paper were of so important a character that it was almost impossible not only to do them justice, but to discuss them at all with any useful result without further consideration. However, as the subject was not altogether new, he would make a few observations dealing with some of the more general points which seemed to invite comment. First, as to the extent and magnitude of the interests involved. According to the most recent agricultural returns, there were 23 millions of acres in England under corn and pasture, the owners' interest in which could hardly be taken at less

than a 1,000 million pounds, and the occupying tenants' capital for the same area could hardly be more than 200 million pounds. Hence, the tenants' interest, measured by the capital embarked, was about a sixth of the whole, and the owners' interest the other five-sixths. He estimated that the 400 Members of the Institution had the charge of something like one-fourth of the whole of the property represented by these 1,000 million pounds, of which he had spoken as the fee simple value of the agricultural estates. The Institution ought therefore, he contended, to be able to speak with some authority upon the subject, and he was sure the Members would concur with him in saying that although they were owners' agents, they considered it their first duty to hold the scales equally between the owners and the occupiers. Any agent who acted otherwise, acted unfairly towards both interests.

As to the Bill proposed in 1873, he quite agreed that the section which debarred owners and occupiers from entering into any agreement to take their particular case from under the operation of the Act (amounting as it did to a limitation of their freedom of action) demanded exceedingly good reasons to excuse it. This was peculiarly the case, since it was now accepted on all sides that, whatever might be the objections to the extent of the principal estates, the most extensive properties were, everything considered, the best managed and the most productive. That being so, —and he might mention that in an article which appeared two or three days ago, advocating changes of all kinds, this was accepted as a fact,—it followed that a very considerable portion of the whole agricultural area of England called for no interference whatever. Under the existing Acts, the object had been to enable the owner to execute everything which an owner could be called upon to do, and he thought that the aim of any new legislation,

as regarded permanent improvements, should be rather in the direction of an extension of those Acts than towards taking from the occupier a portion of his often insufficient capital, in order to execute that which it was the owner's duty and interest to carry out. The effects indicated as likely to result from that portion of the scheme which related to permanent improvements were more apparent than real. Although in the third clause of the second section of the Bill, many things were included under the items of Compensation for Permanent Improvements, yet according to the provisions of the fourth section, no outlays on any improvements could be made without the consent of the owner or his agent, except as regarded draining. He apprehended that if the consent of the owner or his agent had to be obtained, it was hardly indispensable to have a special Act of Parliament. They were able to execute their own business without legislative interference; and as draining was the only thing not requiring consent under the head of permanent improvements, he thought that "Permanent Improvements" had better be taken out altogether from future legislation.

There would then remain the two categories of Durable and Temporary Improvements. Under the head of Durable Improvements were included such operations as chalking, claying, and marling. Now, as regarded improvements of this character, it was to be observed that there was no stipulation in the Bill that the cost was to be ascertained at the time it was incurred. On the contrary, after a lapse of 8 or 10 years, arbitrators were to be called upon to determine the extent to which the estate had been improved by an outlay made 8 or 10 years previously. Without being at all harsh, he supposed he might say there were, occasionally, persons who would act even dishonestly; and how was it possible, after such a lapse of time, to ascertain

the cost of such improvements? If an occupier put his expenditure at a higher figure than he was warranted in doing, and produced his books as evidence, how were the arbitrators, 8 or 10 years afterwards, to determine the absolute facts? Therefore, it appeared to him that under any scheme it was indispensable that the cost, which was afterwards to be charged, should be ascertained and settled at the time.

Referring to temporary improvements, he might mention that he was concerned, in 1846, in getting up the well-known digest of agricultural customs, published by Mr. COOKE, who understood more of the theory than the practice in such matters, and grouped the customs according to counties, but soon found that the same county often comprised many varieties of soils, and that customs were mainly dependent upon soils. In one district, for instance, in the neighbourhood of Barnsley, there were five or six different customs completely intermixed. It would be a very difficult matter to distinguish, by Act of Parliament, those which were customs from those which were not customs.

Mr. KNOLLYS had introduced into his Paper an extract from a speech of Mr. McNEIL CAIRD, giving a curious account of the practices of his own agricultural district. The farming system of Scotland was distinguished from that of England by this peculiarity,—that it was the ordinary practice in the former country to have the farm put up to tender at the end of a term. How could any occupier have confidence in his owner, and in his owner's agent, when, no matter how well or conscientiously he used his farm, he knew that it would be offered to competition at the end of his term?

In England, on a very considerable portion of the principal estates, the occupiers had the option of leasehold terms, but could not, in many instances, be

induced to accept them. They said, "Thank you, sir; we would rather go on as we are. We have perfect confidence in the owner and in the agent." His answer always was, "The agent is here to-day, and, perhaps, gone to-morrow." They preferred, however, to go on as they were, and these farms were as highly—if not more highly—cultivated than other farms held under leases in the same district; but, under the Scotch system of tender, a very different state of things would prevail. There was entire confidence that if they farmed thoroughly well, they would retain their holdings for half a century if they chose, and they believed that they possessed every practical security for good farming.

The kind of proposal which he would be inclined to support, would be one where the cost of permanent improvements should be thrown entirely upon the landlord. It was distinctly the owner's business to effect them; and, if unable to do what was indispensable to the development of his estate, it was only a question of time how soon he would have to dispose of his property.

If any legislation were needed, the better course would be to pass an Act assisting voluntary arrangements, the operations to be carried out under the direction of some existing authorities, such as the Inclosure Commissioners; and, after 5 years' trial of the effects of such a measure, it would be ample time to say whether or not a compulsory Act was called for in the interests of agriculture.

Mr. C. F. HUMBERT (Member) said he should be glad to be allowed to give his opinions on the subject, but before doing so, he hoped to have an opportunity of reading Mr. KNOLLYS' Paper, as he had but imperfectly heard it, and would, therefore, now confine himself to one point only—the subject of notices to quit. As the matter now stood,

a yearly tenant was liable to quit on a 6 months' notice, to expire at the time he entered. There had been some clamour raised with reference to the point, by persons who urged that no notice to quit should be for a shorter period than 12 months. He could not help thinking that any alteration of the kind was entirely uncalled for, and should form no part of the proposed measure.

The system at present in force was perfectly fair, as between landlord and tenant, and an extension of the time would often result in great injury to property at the hands of an unscrupulous tenant. He would cite a case in point. A yearly tenant on an estate with which he was connected had, for some years past, farmed his holding, which consisted of some 300 or 400 acres, in a very unsatisfactory manner. The custom of the district was that the tenant should keep the buildings in repair, the landlord finding the materials. For the last 2 years it had become quite evident that the tenant did not intend to do the necessary repairs, and that unless some action were taken in the matter, a large outlay by some one or another would, before long, be called for. He (Mr. HUMBERT) had written a letter to the tenant informing him of the landlord's wishes, but had only received an evasive reply. He thought it right, therefore, that the tenant should have notice to quit before Lady-day. With the 12 months' notice suggested, a malicious tenant would, in such a case as this, have it in his power to do an immense amount of mischief to his farm! Of course there was a remedy against him, but many landlords were averse to the risk of an action-at-law, and preferred to suffer the wrong. Every practical man would be struck with the great difficulty of dealing with an objectionable tenant under a 12 months' notice. As matters now stood, a desirable tenant could obtain all that he needed in the way of notice by arrangement. If an applicant for a

farm came and said "I will take your farm, but I shall require 12 months' notice to quit," it would probably be granted to him, provided the agent were satisfied that he was worthy of confidence. This was no more than was done in granting a lease. The point was one amongst others which he hoped would receive consideration at the hands of Members.

Mr. E. RYDE (Member) proposed the adjournment of the discussion to the 18th instant, in order that Members might have the opportunity of reading the Paper before the debate proceeded further.

The PRESIDENT said it was most desirable, in his opinion, to adjourn the discussion. The subject was not only of great intrinsic importance, but was one also which concerned surveyors very deeply in the daily exercise of their profession. It therefore deserved, and ought to obtain at the hands of the Institution, a most full, perfect, and fair discussion.

The motion having been carried, the vote of thanks to Mr. KNOLLYS was also unanimously agreed to.

The discussion was then adjourned.

AT

THE ORDINARY GENERAL MEETING,

Held on Monday, January 18th, 1875,

THE PRESIDENT IN THE CHAIR,

The discussion on the Paper by Mr. J. E. KNOLLYS, entitled "The Landlord and Tenant Question," was resumed by

Mr. E. RYDE (Member), who said that when he ventured to move the adjournment of the discussion a fortnight ago, he did it, as he explained, in order to give those who wished to speak on the subject, an opportunity of reading the Paper, and fully intended to do so himself, but had not found the necessary leisure. However, as Mr. SMITH had said, the subject was not altogether a new one, and had occupied such a conspicuous position in the public journals for some time past, that no one could plead entire ignorance of the points in dispute. He did not wish to speak rudely of any public print, but he could not refrain from saying, as a practical man, that more nonsense had been written about this subject than about any matter of similar importance within his recollection. Much that had been said was, no doubt, just and sensible enough, but, on the other hand, some of the statements were as absurd as though he were to say, 'Here are we living in the nineteenth century, in a country which boasts of its freedom and glories in an impartial administration of justice; and yet, see the unfairness of our

laws, for here is a man who is a yearly tenant of a shop in the Strand, who, having taken an old house, pulls it down and rebuilds it, and yet is denied the right of charging his landlord with the cost of so doing, whether the landlord wished the alteration or not.' An argument of that kind would be just as sensible as much which has been propounded with respect to the so-called Landlord and Tenant Question, in connection with land.

In the remarks which he proposed to make, he would indicate, as briefly as the wide nature of the subject admitted, a few of the leading points which, in his opinion, might profitably form the subject of discussion. First, he might observe that they were there to discuss agricultural tenancies, and whether there should be any legislative enactment to ensure to the tenant of land compensation for what were called unexhausted improvements. For clearness and simplicity, those unexhausted improvements had been divided into three heads—temporary, durable (which he supposed should, more strictly speaking, be called “more durable,” for durable and permanent were, to his mind, very much the same thing), and permanent improvements. Therefore, as he said, he would prefer to call the second category “more durable.” Then there were the further questions whether such legislation would tend to the public advantage, and the nature and extent of the measure to be proposed. These constituted a sufficiently large list of subjects for consideration.

He would remark, in passing, that the 12th clause of the Bill introduced last year was its most objectionable feature, and he believed that no Legislature in any country could be induced to sanction such a proposal. As regarded temporary improvements, such as manuring, the question was whether the tenant was entitled to payment for any unexhausted benefit arising from it, if called upon to relinquish his hold,

ing. Lincolnshire, as he said before, was specially excepted in the Bill, but why the exemption was confined to that county he was at a loss to understand.

In Lincolnshire the manure was left to the incoming tenant without charge, but in Surrey, although the manure was left, the incoming tenant had to pay for it. It might, no doubt, be contended that the custom of Lincolnshire was preferable to that of Surrey in this respect—certainly an incoming tenant in the latter county required a larger capital,—but whichever was the better custom it was quite competent, in the nineteenth century, for the landlord and the tenant to make an agreement which would secure their respective interests, without reference to any existing custom. Of course there would be this difficulty, that if a landlord wanted to alter the custom prevailing on his farm, he must pay the valuation of his outgoing tenant, and then either charge his incoming tenant with the valuation again, or let his farm at a very different rent. So, too, as regarded payment to a tenant for cake expended in feeding stock, and thereby enriching the land, it might or might not be desirable to compensate a tenant for any outlay of the kind from which he had not reaped the full benefit at the expiration of his term, but it was as easy or easier for a landlord or his agent to come to a voluntary arrangement with his tenant with this object, as to make it a matter for legislative interference, the only result of which would be a great deal of heart-burning and dissatisfaction, the incoming tenant invariably thinking that he had paid for that which was of very little use to him, or for more than he was properly liable for.

Passing to so-called durable improvements,—such as marling, chalking, liming,—operations of this sort, it seemed to him, might occasionally be followed by very extraordinary results. A tenant might conceive it desirable to

marl or chalk his farm to such an extent as to actually change the character of the land; while the landlord might be of opinion that it was the reverse of beneficial, or positively injurious to his property. In this way, any legislation of a hard and fast character might be followed by calamitous results.

As respected permanent improvements, such as building, road-making, and so on, he had a very strong opinion that operations of the kind ought invariably to be carried out by the landlord; and, if he had not the means to do them, it was much easier and better for him to borrow the money needed for the purpose than to leave them to the tenant, which was a course entirely wrong, commercially speaking. There was, therefore, nothing under this head either which could not be settled by private agreement.

The objectionable features of the system of leases for 19 years, common in Scotland, were such as admitted of a very simple remedy. The complaint was that under that system the farms were run down during the last third of the term, and the productiveness of the land impaired; but what could be easier than (say at the end of 14 years) for the landlord and tenant to approach each other, and extend the term for another similar period, in the way familiar enough in London in the case of public-houses? That seemed to him to meet the difficulty at once, if any such a difficulty really existed. Of course it was not possible, under such circumstances, to follow the course so much condemned, of putting up the farm to tender; but the evil could be cured in the way in which he had suggested, without the necessity of resorting to special legislation.

A good deal had, from time to time, been said about Surrey custom, but there was no great breadth of the county where that custom prevailed. He was no "incoherent supporter" of that, or of any other custom, but before people

condemned it, they should at any rate understand it. He had seen some of the finest farming in England (the quality of the soil being taken into account) done under that custom, the land as clean as a garden, and made as productive as such land could possibly be. What he had contended was, that a Surrey custom ensured a solid and substantial tenantry. Many landlords in Surrey bought up their custom with their land, and let it at a very much higher rent. And what was the result? The tenants were changed about every 5 years. In other parts where the Surrey custom prevailed, and the tenants were, consequently, men of means, there were farms occupied by the same men for 30 years and more, grandfather, father, and son succeeding each other in the same holding. It seemed to him that the men who were now pressing for legislation, and asking for change, were, in effect, seeking for an approach to the Surrey custom, in requiring that a man going into a farm should pay for what he found there. The Surrey custom might be summed up in one line. Whatever tillages a man paid for when he went in, for those same things he was paid when he came out.

One feature of the proposed legislation was an alteration in the length of notices to quit, in cases where there existed no local custom to regulate it. The Premier was understood to say in a speech he made, he believed at Buckingham, that he was in favour of a 2 years' notice to quit,—refining it away, however, by some subsequent statement; for the Premier was not a man to say off-hand, without being asked for his opinion, exactly what his views were. A great deal of land in Surrey was let on a yearly tenancy, subject to 2 years' notice to quit. If they were to have land which was subject at all to a notice to quit, and not governed by any written covenants and conditions, a year's notice would, in his opinion, be found to be a great deal better than a 2 years'

notice. It was, he believed, the only practicable notice; and here again there was no necessity for legislation. If a landlord said, "I have a farm to let," and a tenant came and looked at it, and said, "I will take the farm, but I must have 2 years' notice to quit," it was quite open to the landlord to say, "You shall not have it unless subject to 1 year's notice." The tenant in that case had the alternative of either not taking the farm or of submitting to the landlord's terms; and, surely, it was quite right that the owner of the farm should be entitled to say, "I will not let my farm to any tenant whom I cannot get rid of with a year's notice." If the tenant did not see his advantage in acceding to these terms, he would either say, "I will not take it at all," or "I will not give you the same rent that I would if subject to other terms." It seemed a very novel thing in this country that a man who owned land should not have power to do just as he liked with it, and let it on his own conditions. The argument deduced from considerations of the food-producing power of the country, had been much dwelt upon. It was urged that the area of the country was very limited and the population rapidly increasing; that for this reason, the land should be made to produce as much food as possible, and, therefore, that Parliament should take it under its special care. The first thing, in that case, that the Legislature would have to do, would be at once to stop the extension of railways; for every piece of railway made must consume some land available for producing food. This would apply with equal force to other public undertakings.

The PRESIDENT, for instance, described the Nottingham Inclosure. Contrast Nottingham in its old common field state, with Nottingham as it now is. Which condition was the most productive? Which contributed most to the wealth of the country? The land dealt with at Nottingham does not now produce as much food for the people, but it produces more

wealth, and anything which produces wealth adds to the food purchasing power of the country. A man with a British sovereign in his pocket may buy as much food as that British sovereign will buy, for it will come from other places to the best market. Therefore no legislation was needed for this purpose.

In conclusion, he must express a firm opinion that if any Bill passed into an Act of Parliament with such a clause in it as the 12th of Mr. READ'S Bill, they might at once consider that the agricultural land of England would be reduced in value something like 10 per cent. If there were no freedom of contract, if a man were only to hold agricultural land to deal with it just as Parliament dictated, he believed that the general desire which had been increasing all his lifetime to possess land, would very soon be changed into a corresponding eagerness to get rid of it.

Mr. J. CLUTTON (Member) said that in the remarks which he proposed to offer, he should approach the subject under discussion mainly from a national point of view, and endeavour to show—what he believed to be the case—that any legislative action in the matter would tend rather to retard than to assist the improvement of land. He wished in the first place to direct attention to the state of things as he found them in the year 1826, when he entered business. Agriculture was then in a condition of depression as great as it was possible for any industry to suffer under. So much was this the case, that a number of farms were actually let to parishes and other public bodies for the purpose of employing the poor. The year 1832 witnessed the first legislation tending, though remotely, to the alleviation of the prevailing distress—he alluded to the Reform Act. In the year 1834, the Poor Law Amendment Act was passed, a measure which did much to free agriculture from

the depression under which it laboured. This was followed, in 1836, by the Tithe Commutation Act, which operated still more beneficially. Two years later the Royal Agricultural Society was established, with the view, he presumed, of redeeming agriculture from the condition of ignorance and neglect into which it had fallen, and certainly no Society in any sphere had done more for the interests with which it was concerned, than that Society had done for farming. In 1846 the Corn Laws were repealed, and the farmer, relieved from what he might call the swaddling clothes of those laws, at once set himself to work, and from that day to this the agriculture of the country had steadily developed. The passing of the Acts he had enumerated, had had the effect of releasing it from its trammels, and none more so than the last mentioned, which was as large an instalment of improvement as agriculture had ever received. Following immediately upon the repeal of the Corn Laws, in fact in the same year, came the Public Loan Act, by means of which loans amounting in the aggregate to about £2,000,000 were advanced by the Government for agricultural improvements. In 1848 (not 1846, as given in the Paper), Mr. PUSEY's well-known Agricultural Customs' Committee was appointed, and issued a Report, from which he would take leave to read a few sentences. In 1848 the first private Act for the advance of money for agricultural improvements was passed, and he held in his hand a list of the various Acts of the kind, under which, according to a return made to Parliament up to the 31st December, 1872, £10,178,000 had been advanced with this object. Since 1872, and up to the present date, according to an estimate of Mr. GRANVILLE RYDER's, a further sum of £550,000 had been advanced, making an enormous total of £10,750,000 expended in land improvement from this source alone. This, however, only

represented a comparatively small portion of the money so invested. For example, nearly the whole of the improvements carried out by his firm had been effected with money supplied in other ways, forming no portion of the above sum. No doubt there were many other agents who, like himself, could point to large amounts of money expended by private individuals on the improvement of their land, and which, added to the 11 millions above mentioned, would represent an enormous total outlay. He quoted these figures to show how large a sum of money had been expended in this way during the period which had supervened upon the release of agriculture from its trammels, and the creation of facilities for investment, and this without any Act of Parliament restraining or coercing either landlord or tenant.

In 1850 a very remarkable Report upon the general agriculture of this country was published by Mr. CAIRD,—a photograph, he might say, of the then state of agriculture; and he should like to see another for 1874 from the same hand. It would show that, without legislative interference, the agriculture of this country had made a marvellous advance since 1850.

With the permission of the Meeting, he would now read a few extracts from the Report of Mr. PUSEY's Committee. The 5th clause recited what was proposed to be dealt with:—

“That among such expenses are included the purchase of food for stock, the purchase of certain kinds of manure, and the draining, chalking, and marling of soil; the result of which outlays is to effect an improvement of the soil, more or less lasting, and requiring more or less time to elapse before the increased productiveness thereby obtained reimbursed the expenditure incurred.”

There were 18 clauses in the Report; but, omitting intermediate ones, he would pass on to the 13th, which was in these words:—

“That the improvements above mentioned, which are very generally required throughout the country in order to develop the full powers of the soil, are greatly promoted by this system of compensation; and, therefore, it is highly important that all difficulties should be removed which stand in the way of its extension by the voluntary act of landlord and tenant. 14.—That any attempt to make its general introduction compulsory would be met by great practical difficulties, and your Committee rely for the general and successful adoption of the system on mutual arrangements between landlords and tenants. 15.—That it seems very desirable to your Committee that estates under settlement should be endowed with every practicable privilege for their advantage which is attached to absolute property. 16.—That the power to enter into such stipulations, binding on subsequent interests, might be advantageously made a general incident to leasing powers of land in settlement by the Act of Parliament; and also be conferred on persons having certain limited interests in land. 17.—That the law with respect to things affixed to the freehold is different, and more beneficial as regards those annexations made for the purposes of trade than those made for the purposes of agriculture,—an outgoing tenant being permitted, in many cases, to remove the former, when erected by himself, but not the latter. 18.—That this distinction does not appear to be supported by any sound reason; and your Committee are of opinion that the tenant’s privilege of removal, with respect

“to fixtures, set up for trading purposes, should be extended to those erected for agricultural objects.”

Now the value of that Report depended very much upon the reputation of those who constituted the Committee. That they were entitled to speak with authority would be admitted, when he said that they were Mr. PUSEY, Mr. NEWDEGATE, Mr. STAFFORD, Mr. EVELYN DENISON (the late Speaker), Mr. EGERTON, the Earl of ARUNDEL, Mr. HENLEY, Sir WILLIAM HAYTER, Mr. EDWARD BOUVERIE, Sir CHARLES LEMON, Mr. MILES, Mr. COLVILLE, Mr. BURROUGHS, Mr. HENRY DRUMMOND, and Sir JOHN TROLLOPE, who had recently died. With the conclusions arrived at in that Report he entirely agreed. It might be said, no doubt, that circumstances had altered to a considerable extent since the year 1848, and he would admit that they had; but the great principle of free and unrestricted dealings with land applied with as much force now as then, and an Act of Parliament which had for its object the enforcement of any particular mode of regulating the relations between landlord and tenant would, he believed, tend to revive the restrictions from which land had been happily freed, and would teach people to trust to something else than their own prudence and capabilities. It was this which made the Corn Laws so objectionable, for the farmer was taught that the price of corn was to be regulated for him by some external circumstances over which he had no control. Everything which tended to make a man lean upon somebody else tended to make him weaker than he would otherwise be, and the principle held good in all the relations of mankind. He would quote a passage from a letter upon the subject by Mr. TEMPLE, which put the argument very clearly. Mr. TEMPLE says:—

“It seems to me that in this matter there is something unsaid which ought to be spoken. It is that any

“legislation which meddles between landlord and tenant violates economical law, and outsteps the bounds of common sense. The right rule of all business is freedom of contract. All experience and all reasoning alike show that this rule can never be broken without mischief, and that no infraction of it can be justified except for high motives of State, which may override for the moment the truths of the market. The Irish Land Act was avowedly a sacrifice of economy to politics. The condition of its acceptance was, that it made no precedent. Even of that Act, I dare to say, in spite of my reverence for the statesman who passed it, and my traditional regard for the party which he led, that it was benevolent in intention, admirable in construction, false in principle, and evil in result. But England has no Irish anomalies to excuse economical heresy. Her agriculture has grown into a science since the law has ceased to coddle it. Her farmers are shrewd, solvent, and resolute—the best at a bargain, of all bargaining mankind. Whoever, among them, takes a farm takes it of his free will, and for his own profit, and needs no law to teach him how to higgler with the landlord about terms. Forms of leases and agreements, modes of culture, compensation for improvements, disposal of game, are excellent subjects for discussion, for oratory either before or after dinner—above all, for the aforesaid higgler of the bargain; but the less laws and law makers meddle with them the better.”

The letter concludes thus—

“Legislation on this subject is either impertinent or mischievous. Impertinent, if it elaborately permits men to do what they could do perfectly well without

“it, mischievous, if it restricts freedom of contract, and habituates the nation to run to Parliament, like a bad nurse to an opiate, or a drunkard to the brandy bottle.”

He would state at once that he believed legislation in this direction, except as giving facilities to incapacitated parties, was absolutely objectionable. He did not say that no Act of any kind was required ; probably a measure extending the 6 months' notice to 12 would be desirable, and he would give his reasons for holding that the extension should go no further than 12 months. One reason alone was sufficient. He was a farmer himself, and knew that no result was looked for from artificial manure beyond one corn crop, and consequently, a man who held under 12 months' notice to quit, after notice, took care not to put anything on his land that he did not get the benefit of.

Something had been said with regard to the Scotch system, mentioned by Mr. McNEIL CAIRD, who stated that the tenants in that country holding under leases of 19 years, were in the habit of running down the farms during the last third of the term. He (Mr. CLUTTON) had always been a great advocate for leases, and had always believed that a man who laid his money out on property should have an opportunity of recovering it ; but, if Mr. McNEIL CAIRD was correct, what would be the use of passing an Act to give compensation for 1 or 2 years' manure ? In the case given by Mr. CAIRD, the tenant, supposing this Act were passed ensuring him compensation, say for artificial manures for the last year of his lease, would not be induced by that fact to farm any better during the other years of the last third of his term ? He could not see the reasoning. As he said before, he always advocated leases, though he had very often a great deal of trouble to induce farmers to take them. He however, invariably resisted having any clauses

giving compensation at the end of the term. It was his custom, if possible, to negotiate a lease 2 years prior to the end of the term, so that if a man found himself about to lose or leave his farm, he could stop his outlay unless the landlord, by voluntary agreement, entered into a covenant to pay such a proportion as was thought necessary. As Mr. RYDE had said, it required no legislative enactment to do that, and if it were advantageous it could be done without Parliamentary enactment.

He would not go into the question of Surrey customs beyond saying that he entirely disagreed with the views of Mr. RYDE, and giving an instance of its evil effects. What had Mr. CAIRD said in a letter which he had recently published? He knew a farm of 100 acres—probably the very farm which his (Mr. CLUTTON's) brother had to do with—the first payment which the tenant of that farm had to make on entry was £600, for acts of cultivation performed by his predecessor, such as manures, half manures, half dressings, foldings, and all imaginable things under Surrey customs, &c., and this without finding even so much as an acre of turnips upon the farm. The £600 was literally almost thrown away. Although he wished to confine his remarks as much as possible to the broad question of the desirability of legislative interference between landlord and tenant, he might remark in passing, that draining should, in his opinion, be included among permanent and not among durable improvements. He had recently bought an estate of between 2,000 and 3,000 acres, and he found that the landlord had been in the habit of giving his tenants tiles, the latter putting them in. No two fields were drained alike, no two to the same depth, and in almost every instance each drain emptied direct into a ditch. The consequence was a liability to be filled up by weeds and the operations of vermin, and in fact the draining was thoroughly inefficient, and

nearly two-thirds of the estate would have to be partially redrained, simply because the tenant did it in his own way, and without the necessary knowledge or experience of what was required. Under any circumstances he held that, without the landlord's concurrence, and without his supervision at the time of execution, no such outlay as draining or marling, which it was impossible to check at the end of two, three, or a longer period of years, should form the subject of compensation. He would admit that in Lincolnshire it had been done, but he had found from experience that the Lincolnshire tenants were an exceptionably clever and sensible body of men.

In conclusion, he would remark that the closing paragraph of Mr. SMITH's observations, on the last occasion, entirely embodied his views with respect to this question; but he would say, not only should the interests of the outgoing tenant, but the interests also of the country at large, be considered, for it was of the highest importance to the national welfare that the land should be well cultivated. The first question to be decided was, whether a compulsory Act of the kind contemplated would really tend to the improvement of agriculture? His experience of the operations of tenant-right in Surrey, where farming was worse than in most parts of England, went to convince him that so far from extending the system, every possible facility ought to be given for getting rid of it. The state of agriculture in Surrey no doubt was now vastly better than it was in the year 1850, but it was still as much behind Lincolnshire as it was in the days when Mr. CAIRD reported on its condition.

Mr. A. O. SEDGWICK (Member) said that he ventured to contribute a few words to the debate, because he had taken a great interest in their local discussions of the subject, and had urged the introduction of the tenant-right

of Lincolnshire into his own county, believing that it would, perhaps, be a step in the right direction, and might prevent any further talk of legislative interference, so far as Hertfordshire was concerned. He must say he was rather on the side of what might be called the progressive policy in agriculture, and although he did not quite go the length of a writer in one of the monthlies, who thought that the day might come when farms would be managed by Joint Stock Companies, the plants forced by electricity and ripened by hot blasts; still he thought that, with three things accorded more fully than at present, viz., greater security for capital, greater fixity of tenure, and a little more freedom of cultivation, the land would be better farmed, and its productiveness, possibly increased.

With the permission of the Meeting he would, as bearing on the matter under discussion, call attention to the clauses of a Report drawn up by a Committee of the West Herts Agricultural Society, appointed to consider the question of compensation for unexhausted improvements. The meetings took place at this Institution, the Committee comprising the Earl of ESSEX (Chairman), Earl BROWNLOW, Viscount MALDEN, T. F. HALSEY, Esq., M.P., ABEL SMITH, Esq., M.P., A. H. LONGMAN, Esq., MR. WILLIAM BROWN, and seven tenant farmers. The first clause ran thus—"A notice to quit shall not in the case of a tenant from year to year take effect until after the expiration of a period of not less than 12 months, and shall terminate on the same day of the year as such tenancy commenced." He must confess that his own experience proved—and he was often employed by both incoming and outgoing tenants and also by landlords—that a 12 months' notice to quit, instead of being, as was stated by a Member of the Institution at the last Meeting, entirely uncalled for, was very often only fair towards the tenant. He quite agreed with Mr. BEADEL,

that a 12 months' notice was the right thing. Speaking as a tenant farmer, it seemed to him unfair that the man who took a farm requiring an immediate expenditure of £3,000 or £4,000, should be liable to be turned out 6 months after he had entered, and failing to obtain another farm within the next 6 months, as might well happen, should be obliged, in consequence, to dispose of the whole of his stock under circumstances which might render it exceedingly doubtful whether he would see his money again. With a 12 months' notice there would be time to look about and secure another farm. The next clause related to compensation, and ran thus—"For linseed, cotton, or rape, cake and corn, purchased during the last year, for feeding live stock on the land or in the fold yards, other than working horses, and from which no crop of corn has been taken, one-half the cost, and where a crop of corn has been taken one-fourth the cost, the quantity not to exceed the average of 2 preceding years. For super-phosphate, guano, and other purchased manures, from which no crop of corn has been taken, used with green or root crops consumed or to be consumed on the premises, one-half of last year's bill and half carriage." When those clauses were drawn up, the framers took the Lincolnshire custom as a guide, making it applicable to the Michaelmas tenancies of Hertfordshire. Of course there was a vast difference of opinion as to the compensation clauses, and it was only fair to state that other gentlemen in the county, outside the Committee, did not agree with their conclusions, and had, by communicating their views, enabled them to avoid errors into which they might otherwise have fallen.

In a pamphlet written by Mr. HUMBERT, which he held in his hand, he found these words,—“The question has been argued from one point of view only, until some tenants have talked themselves into the belief that they are to

be gainers if the proposed arrangements should be carried out. I would invite them to consider well the question in all its bearings; to ask themselves how far, when a farm is vacated, and the landlord can by law be called upon to pay a considerable sum for what are called 'unexhausted improvements,' and these are charged in the valuation of the incoming tenant, the community of farmers at large can gain by it. A, the outgoing tenant, receives a certain sum; but B, the incoming tenant, has to pay it, and although he may, in one sense, get value for his money, still he could, perhaps, to his own way of thinking, lay out that money more profitably." He did not think so, but agreed with Mr. KNOLLYS, that it was to the interest of the landlord to induce the tenant to continue his outlay on feeding stuffs so long as he held the farm. He would next refer to the opinion of a landlord, the Marquis of HUNTLY, who said that if tenants were certain of obtaining compensation or value for any unexhausted interests they leave in the land, without doubt they would do more to their farms, and the result would be an increased production. For extraneous manures, cake, and corn, consumed on the farm, the tenant should receive value at quitting. Speaking as a tenant farmer, all he could say was, that he would much rather follow a tenant entitled to compensation under those clauses, than one who had exhausted his farm for the last 2 years of his occupation. To take his own case as an example, he held under a lease, according to the terms of which he could sell everything off his farm. He did not do it because he did not think it answered his purpose; but if his lease were not renewed, and the farm passed into other hands, his successor might act according to the covenants of his lease, and sell all he could away from the land for the last 2 or 3 years (instead of feeding the sheep with turnips, and giving them a pound of cake per sheep,

as he (Mr. SEDGWICK) was in the habit of doing) and thus leave the farm in a very impoverished state. He was quite aware that on many large estates an excellent tenant-right existed; but he ventured to assert that there were thousands of acres in this country on which there was no security of the kind, and the tenants held from year to year, subject to a 6 months' notice to quit.

For the purpose of showing how differently tenants were situated, in this respect, in different counties, he might mention that he had the management of an estate in Lincolnshire, and of another in Huntingdonshire, with some very good tenants on both estates. On the Lincolnshire estate, if one of the tenants were to lay out £500 in cake, he would get a certain amount back at the expiration of his tenancy. But an equally good tenant in Huntingdonshire, who spent something like £1,000 a year in cake, would not, if he died to-morrow, leave his representatives entitled to a penny. No Act of Parliament was needed to correct this, but what was really required was an arrangement which would give a little more security to tenant farmers throughout the country. Many of the landlords complained of the hardship of being called upon to agree to something involving, as was often stated, the payment of a large sum at the expiration of the tenancy. But look at the system of compensation to tenant farmers as it worked in Lincolnshire! What could be better? The last time he was in Lincolnshire, he was talking with a gentleman who had often acted as a tenants' valuer in that county, and he asked him, "Can you tell me of a single case where a landlord in Lincolnshire has been called upon to pay a valuation to the outgoing tenant?" He replied "No, but I can tell you of several cases where I know the landlords have saved their rents simply from there being a tenant-right on the farms." Turning, again, to

the Report from which he had already quoted several clauses, he would read the next in order: "When a tenant finds tiles and labour for under-draining, which has been carried out with the consent of the landlord, and certified to be properly done by his agent, the total outlay to be allowed, deducting one-tenth part of the cost annually, for chalking one-tenth part of the cost annually, and for liming one-fifth part of the cost annually, the quarter day next after the completion of the drainage, and the chalking or liming to be considered the time from which the 10 years' and 5 years' allowances are to be computed, but when landlord finds tiles, and tenant finds labour, one-seventh part of the cost to be deducted annually." He would not say very much as to draining, but thought that in nine cases out of ten it was far better done by the landlord himself. He was quite sure that in his own county it would be very desirable for tenants to have some compensation for chalking. A short time ago he let a holding to one of the best farmers in his neighbourhood, and the solicitor asked him to draw up the farming covenants. He went over the farm and valued it, and put the rent upon it, and knowing at the time that it wanted chalking, he inserted a clause to the effect that the tenant should be entitled to compensation; but the solicitor struck it out, and said that it would lead to all sorts of disagreeables at the end of the lease, and he could not agree to it. The farmer signed the lease, and decided to chalk for 2 or 3 years, and then give it up and take care of himself. If the clause had been put in he would have chalked the whole of the farm in the course of his lease. The next clause referred to arbitration, and as the PRESIDENT desired him to read it, he would do so. He might remark that it had been settled by counsel, and he believed would hold water, as it was termed, which a good many arbitration clauses in leases and agreements certainly would not.

“ If and whenever any dispute or difference shall arise between landlord and tenant touching the construction or performance of any of the covenants or conditions in a lease or agreement for the cultivation or management of a farm and the repairs of the buildings and premises, or touching the allowance to be made for unexhausted manures or improvements, as specified in the preceding clauses, the matter in difference shall be referred to two arbitrators, one to be appointed by each party or their umpire, and such reference shall be subject to the provisions respecting arbitrations, contained in ‘The Common Law Procedure Act, 1854,’ or any then subsisting statutory modification thereof. All payments under a lease or agreement, except for rent, rates, taxes, or other similar payments, shall be made according to the valuation of two arbitrators appointed as aforesaid, or their umpire, and from the amount of such valuation shall be deducted and paid to the landlord any rent due at the determination of the tenancy, and any sums due by reason of any breach or non-fulfilment by the tenant of the covenants or conditions in the lease or agreement, and any balance due to the landlord shall be recoverable against the effects of the tenant in the same manner as if it were rent in arrear, without prejudice to any other remedies of the landlord; and the valuers shall be deemed to be arbitrators, and the valuation to be an arbitration, within the meaning of ‘The Common Law Procedure Act, 1854,’ and to be subject to the provisions thereof relating thereto. No reference, arbitration, or valuation shall abate by reason of the death of either party; and the agreement or submission to arbitration may be made a rule of any

“one of the superior courts, on the application of either party; and the costs of any reference, award, or valuation shall be in the discretion of the arbitrators or their umpire.”

In reference to this clause, he had heard it stated by a landlord, “It is all very well for you to say I am to pay compensation for unexhausted improvements, but how am I to get paid for dilapidations if the tenant is a poor man and has no money?” The answer he made was, that he thought it probable that a tenant who wanted compensation for cake and feeding stuff, was not a man who would be likely to be liable for compensation for dilapidations to his landlord, and *vice versâ*, that a tenant who could make no claim for compensations would be the man who might be called upon for dilapidations. In conclusion, he hoped that this discussion would be a step towards obtaining what he advocated,—a little further security for capital and tenure, and a little more freedom of cultivation. They might hope to see heavier turnip crops, larger flocks of sheep and cattle, and then, and not till then, would come that happy millennium of agriculture mentioned by Mr. MECH, the growth of more corn than we could ourselves consume. Speaking as a land agent, he thought they might probably hope to see more capital attracted to agriculture when there was a little more security for unexhausted improvements, but he was afraid many of the tenant farmers could not join in the outcry for compensation. He would quote the words of one of their own body, Mr. LITTLE, whose Paper no doubt many of them had read :—

“For want of money, tenant farming languishes. How many hundreds of arable farmers are there who never feed a bullock in a year. How many thousands who never purchase a ton of ‘cake’ or artificial food, and whose ideas of manure making

“are limited to the trampling down of straw in their yards by a few lean kine, whose operations might almost as well be effected by machinery. What a satire does such a sight present upon the modern system of scientific culture. But these men are probably well aware that these cattle could be turned into beef without immediate loss to themselves, and with enormous advantage to their land, and only one thing hinders them—want of capital. So it comes to pass that the anomaly is presented of starved land in the heart of the richest country the world has ever seen.”

Mr. C. F. HUMBERT (Member) said he rejoiced that the subject had been taken up by the Institution of Surveyors, for it was one which was well understood by its Members, although it did not appear to be so by the so-called Chambers of Agriculture, and by the Agricultural Societies at which it had previously been considered. He was quite sure that many land-owners who had taken part in the discussions elsewhere, had not seen the question in its full bearing, and tenant farmers had equally misapprehended it. Speaking generally, however, he regretted that the matter had been raised at all in its present shape, because he thought it amounted to something like setting class against class, and there had been enough of that in England lately in connection with the agricultural labour question. He could not help thinking that this discussion, carried on as it had been in other places, would tend, to some extent, to diminish or destroy the good feeling which now subsists between a landlord and his tenant. Mr. SMITH, at the last Meeting, said that large estates were always the best managed, for the agent endeavoured to hold the scale equally between the landlord and the tenant. That was his opinion also, and he thought, if it were possible, when a doubt arose the

agent gave the turn of the scale to the tenant. He was afraid tenants now entertained the idea that something ought to be given them, which must first be taken from somebody else, by a legislative Act. So far, however, as he could see, no case whatever had been made out for legislation, and he thought, on the contrary, that it should be most carefully avoided in the direction proposed ; there was nothing required which might not be done perfectly well by the landlord and tenant, without interference by the State. If a tenant came to his landlord and said, "I am farming your land well and require 12 months' notice to quit," he (the speaker) believed that what he required would be granted. If he said, "I shall feed stock to a large extent, and at the end of the term I will continue to do so up to the day I leave, if you give me a certain sum for unexhausted manure," he did not think compensation would be refused him. Any attempt to legislate upon the matter would be simply doing a great deal of mischief, and he could not pass over Mr. READ's Bill without declaring his belief that it was a most arbitrary and unconstitutional measure. It might be said that the Bill had been withdrawn, and might never see daylight again ; but he held in his hand the latest word, perhaps, which had been written on the subject, namely, in the *Globe* of that day, where Mr. HOWARD appeared with a letter, from which he would read a few lines. "For what have tenant farmers been asking these many years ? Simply, that the present unjust law, which gives to the landlord the property they (the tenants) have to leave in or upon the soil at quitting, may be altered ; and that their property may be secured to them, the rightful owners." Those were strong words. Where was the injustice complained of ? It was not to be supposed that tenants were such fools that they could not make bargains for themselves when they took a farm. On the contrary, they were very sensible men, and well able to

look after their own interests. It was said that landlords had been for many years past taking unjust advantage of the weakness of tenants; but he was sure that the experience of the Members as a body would go to prove that it was not so, the landlords having, in by far the great majority of cases, treated their tenants with very great consideration, the most perfect good feeling existing between them. The previous speaker had said a good deal about the want of security. He did not hesitate to say that on many large estates (he could name more than one) the tenants were mostly yearly tenants, who neither asked for nor desired leases. They felt perfect security, and they mostly farmed well. Of course there were bad farmers, and farmers who had not sufficient capital, but where estates were well managed, and the tenants liberally treated, the land was usually well farmed, and leases were seldom asked for or needed. He could name an estate on which there were many farms and not a single lease, agreement, or a word in writing of any kind, between the landlord and any one of his tenants. He was confident that on this estate a lease had never been asked for, but, if it were, it would not be refused. This did not justify the statement that there was a want of security. He did not agree with what Mr. MECHI said, in a very recent letter published in the *Times*, that in everything they saw advancement and progress except in agriculture. In his short time, he could see a great deal of advance. No doubt, as Mr. CLUTTON said, it was slow; but it was none the less real. Many of the Members would remember farms in various parts of the country which had been immensely improved in the last few years, notwithstanding the alleged want of security. That many farms were very badly cultivated was not from want of security, but, generally, from want of ability on the part of the farmer, and oftener still from want

of capital. One sentence in the letter in the *Globe*, before referred to, was most ominous. It was to this effect:—"Any Government which passes a merely permissive Bill,"—which meant a Bill without the celebrated 12th clause,— "will probably be told by the farmers of England and Scotland on the first suitable occasion, and in the most forcible manner, that, when they had asked for bread, a stone had been given them." The meaning of that sentence was perfectly clear, and needed no further comment.

Take the case of ordinary farm tenants. Assume an estate, containing several farms held on lease, or occupied by old and respected tenants. Things went on with perfect smoothness. The rents were all moderate and regularly paid, and the tenants were supposed to farm their land well, and to improve it. If they wanted anything they went to the landlord: if they wanted bricks to build a wall he gave them bricks, they finding the labour. If they required a new shed they frequently shared the expense of erecting it; and so they went on peaceably together. This was no exceptional, but an ordinary type of things on hundreds of estates. What the unprejudiced tenants wanted was, simply, to be let alone, without legislative interference between them and their neighbours, or their landlords. If a tenant died, his son, if he had one, generally succeeded him; changes, due to other causes, being infrequent. When a trustworthy tenant, such as he had described, having occupied the farm for some years, at a moderate rent, doing pretty much as he liked with it in the way of farming, gave up his holding, it would be very unjust that the Legislature should step in and say, "Although you never expected to receive compensation, although you are not morally entitled to it because your rent was fixed in such a way, and so low, that it was part of your implied contract to improve your land at your own cost, yet we insist upon it, in yours and in all

cases, that the tenant shall have power to claim compensation." That alone was sufficient to show that legislation might become very mischievous. But take another view of it. Would not an Act which gave tenants power to demand compensation for their improvements, increase the value of the holdings? Would not the landlord be justified in saying, "Well, if that be the case, if circumstances have changed, if I am now liable to be called upon to pay some hundreds of pounds, which I am by no means sure will be recouped to me by the succeeding tenant, I ought to have all the rents revised, and as the holdings are evidently and avowedly more valuable to the tenants, ought they not to pay more rent for them?" He thought that before the tenant farmers called for these changes, they would do well to reflect whether the proposed legislation would not have a contrary effect to that which they expected. It would be wasting time to discuss further the clauses of the Bill. He simply wished to offer a strong condemnation of clause 12, and with regard to clause 5, which enabled a tenant to execute draining without the consent of his landlord if the landlord refused to do it, he thought that the proposition showed such a want of practical knowledge, and was such a great fault in the Bill, as to throw doubt upon the whole scheme. He agreed with Mr. CLUTTON with reference to draining when done by tenants. A man might be an excellent farmer, but totally without experience in draining, and even assuming that he were competent for the work, it very rarely happened that he had the men to carry it out. Neither ploughmen nor carters were fit to lay pipes. It required a special training, and, he thought, ought never to be entrusted to a farmer, except under special circumstances. He always maintained, as a general principle, that tenants' money should be spent in cultivating the land,

and should not be sunk in draining and similar operations. It was seldom that the tenant had too much capital for the cultivation of the surface of the soil, and to which his energies should be solely devoted. All permanent improvements should be effected by the landlord. There was a double reason for his undertaking them, now that it had been made so easy for him to do it by the wise legislation of the past few years, enabling an owner, however limited his interest might be, and however poor, to drain his land without spending a single sixpence of his own money. Any legislation, therefore, which tended to encourage tenants to lay out money in permanent improvements was retrogressive, and entirely in enmity to the spirit of the excellent measures known as the Lands Improvement Acts, which had done so much good for the country.

Mr. T. C. CLARKE (Member) said that he had no knowledge of the details of the subject, but it appeared to him to resolve itself into the question of whether there was perfect freedom of contract between farmers and large landowners. A great many most respectable men believed that the tenant was in a great measure in the hands of the landlord, and that if he did not come to the landlord's or his agent's terms, he was evicted from his home, became, as it were, a stranger in the world, and had no *locus standi* anywhere. If he understood the view taken throughout the country, the tenant farmer deemed that the time had now come when his relations with the owner of the soil should no longer rest only on the good faith of the landlord or his agent. He (Mr. CLARKE) saw nothing in the argument of the last speaker to make him believe that the farmers as a class were content to run on from year to year without leases and without security for anything they might lay out on the land. Happily, the state of the country was such that the

great body of land-owners were, no doubt, rightly directed and actuated by high-minded motives, but this might not always be so, nor was it universally the case. This Society, conservative as it was in its general tendency, and in the discussion of this question, ought to recognize the fact that times were altering, that these were days of contract—so much money for so much service—and that the old sort of feudal feeling as to the relations between landlord and tenant were likely to die out in common with a great many good things which had existed with advantage in past days. He would, therefore, urge upon the Meeting to consider—merely as a general question,—whether there really was perfect freedom of contract in neighbourhoods where one man owned a large tract of country. Was not the tenant farmer in the locality virtually in the hands of the owner or the owner's agent, and bound to come to the terms which might be dictated by one or the other of them? This seemed to him to be the essence of the question. In the presence of such experienced men as he saw about him, he did not wish to express a single opinion of his own, but it did appear to him that the point he had called attention to was worthy of consideration. In other words, was not the time come when the farmer might legitimately say, “Your power is too great, I am not able to cope with you, but I think that the Legislature ought, for the benefit of the country at large, and for the sake of increased production, to step in and protect me in reaping the benefit of my unexhausted improvements, and in my general relations with the owners of the soil.” It was felt that the farmers were not altogether equally mated with the landlords, that they were taken in detail, and must, more or less, conform to the will of the agent, which might operate unfairly, however high his motives or however good his judgment might be.

Mr. T. M. GEPP (Associate) said that he would venture, as an Associate, to offer a few remarks which occurred to him in connection with this subject. In doing so, he bore in mind the maxim, *ne sutor ultra crepidam*—he hoped not to be the cobbler going beyond his last. It was stated by Mr. HUMBERT that the tenant farmers were treated liberally in his part of the country, and he was very glad to hear it. He was himself much connected with the landed interest in his own county, and he found that the observation held good there also. If this were so in all cases, there would certainly be no necessity for legislative interference. But there were others who took a different view, and asked “What are you to do to protect those tenants who are not liberally treated, particularly those who merely hold from year to year.” He was intimately acquainted with an estate where the landlord never had granted, and probably never would grant, a lease. It was a large property, and was therefore mainly governed by the custom of the estate, and not by the custom of the county. But supposing a tenant, relying fully upon the person under whom he was living from year to year, one fine morning found that his landlord was gone, and that his successor, being dissatisfied with his tenantry, gave them all notice. How could the tenants in that case be properly and fairly remunerated for any outlay in improvements without covenants or agreements to bind the landlord or his successor?

It seemed to him that although the Bill of 1873 was not of a kind which should be accepted by the Legislature and become law, still that something was wanting to meet the case to which he had just alluded; and although any stringent measure was uncalled for, some legislation was needed to meet particular cases.

He thought a 2 years' notice to quit to be undesirable for various reasons, more especially for the reason assigned

at the last Meeting, that it would give a malicious or incompetent tenant time to do a great deal of mischief. One year's notice would do the tenant full justice, without injury to the interests of the landlord. The great point, as Mr. HUMBERT had said, was to take care that tenants with sufficient capital to farm properly were selected. The contrary state of things was, to his mind, one of the crying evils of the present day. He knew of many excellent men who were occupying farms, to whom the last 2 or 3 unfavourable years had been extremely trying. Where would many of those tenants be next July? He spoke of course generally, but some of them, he was quite sure, had had considerable difficulty in paying their rent, doing so, in fact, out of the crops of this last year. Next year they would have nothing to look to, and some of them would, he was afraid, barely be able to hold on.

The relations of landlord and tenant were rapidly becoming more commercial, and falling more strictly under the law of supply and demand. There were numbers of young men, sons of farmers, who were brought up to that calling with no training fitting them for any other occupation, and who had, consequently, no alternative but to become farmers, although their numbers were greatly in excess of the demand. An estate agent and the landlord had to choose from amongst them, and the candidates for farms consequently bid high in order to secure a holding, and often higher than was consistent with profitable farming. A great deal had been said about the custom of the county. He, for one, placed no faith whatever in customs. The Lincolnshire custom, for instance, had been much commended, but an Essex man (having a Lincolnshire agency) whom he asked what he thought of the Lincolnshire custom, replied that he thought nothing of it whatever, and he himself shared the opinion. A custom to be of any validity, should be *reasonable, certain,*

and *established* by long usage. Was Lincolnshire so? Was Surrey so? He could not say; but the fact was undoubted that, in order to go into Court with the custom, it was necessary to show that these three conditions applied to it.

Mr. T. S. WOOLLEY moved that the discussion should be then adjourned to the next Meeting.

The PRESIDENT said that he himself knew of one or two Members, one from Lincolnshire particularly, very competent to enlighten them on the subject, who could not be present to-night, but who in all probability would attend on the next occasion. He therefore thought that the debate should be continued on that day fortnight, to give them an opportunity of expressing their views.

The discussion was then adjourned.

AT
THE ORDINARY GENERAL MEETING,

Held on Monday, February 1st, 1875,

THE PRESIDENT IN THE CHAIR,

The discussion on the Paper by Mr. J. E. KNOLLYS, entitled "The Landlord and Tenant Question," was resumed by

Mr. T. SMITH WOOLLEY (Member), who said he could not help regretting that the speakers on the previous occasions did not give some information as to the extent of their practical acquaintance with the subject, in order that the public might be able to distinguish between the opinions of those who, like many Members of the Institution, spoke from very wide and varied experience, and mere theories evolved from the inner consciousness of people ignorant of the real relations of owners and tenants. He trusted his motive would not be misconstrued if he ventured to give some details of his own means of arriving at conclusions upon this subject, especially as he intended to deal with the question apart from theory, and as it presented itself in the course of his own practice.

As evidence that he had some acquaintance with Lincolnshire customs, he might mention that his firm had the management of about 16,000 acres, distributed over nearly the whole county, and that his knowledge of the district

dated back for 30 years. They had also the management of property in Notts, Leicestershire, Northamptonshire, Hertfordshire, Wiltshire, Yorkshire, Herefordshire, Worcestershire, and eight other counties. He mentioned this because it was his practice to introduce the Lincolnshire tenant-right, in a suitably modified form, into his agreements in all those different localities, and he had found no practical difficulty in so doing. In some respects, to which he would presently refer, he disapproved of the latest edition of so-called Lincolnshire tenant-right; but he had adopted its general principle wherever his experience had extended. When once the fact was realized, which it must be when the subject had been well ventilated, that it was for the interest both of landlords and tenants to agree upon some form of tenant-right where none now prevailed, he believed it would be found that all fancied difficulties would disappear. He agreed with the majority of the previous speakers in the opinion that there was no immediate need for legislation, but was glad, at the same time, that the agitation on the subject had taken place, as it would be the means of calling attention to the necessity, not only of creating tenant-right where none now existed, but of getting rid of many objectionable forms of tenant-right which prevailed in some parts of the country. Even in the famous county of Lincoln itself, there was a very large area subject to "following crop," which was an admitted nuisance, and was by no means confined to Lincolnshire, but extended to many other districts. Perhaps the worst possible form of tenant-right "customs" was that which prevailed in Surrey, recalling the famous midshipman's report as to the manners and customs of certain savages—"Manners, they have none; and their customs are beastly." Since he came to the Meeting there had been put into his hand a letter from Mr. ROBERT CLUTTON (an acknowledged authority on the

subject), who was unfortunately unable to be present, the letter was as follows :—

“UNEXHAUSTED IMPROVEMENTS.

“From my knowledge of Surrey and Sussex farmers, I know that they would be glad to get rid of the tenant-right as it exists and is practised in these counties,—especially in Surrey,—but they cannot get out of it on account of the great amount of capital they have uselessly embarked in it, and which they will have to make up by hook or by crook when they leave, and it is unsafe any longer for landlords to buy up the objectionable valuations, lest the Legislature should reimpose them, on the plea of ‘Unexhausted Improvements.’

“It is quite hopeless to expect appraisers to obtain a set-off, or to protect the landlord against the tenant.”

A speaker at the last Meeting was rather in error in his definition of custom, confusing, as it seemed, agricultural with legal customs. It was to be remembered that agricultural customs, in practice, were binding, although they fell very far short of legal customs. The circular which had been distributed in the room,* and which represented the recent resolutions of an Association of Lincolnshire valuers as to the tenant-right of that county, embodied some views on that subject very much in advance of what has hitherto been recognized as Lincolnshire tenant-right, and in some respects was unsafe and open to great objection; yet, in the absence of specific agreements, it will be universally acted upon in the county. In fact the customs now existing in different counties represented accurately the intelligence or otherwise of the tenant-right valuers who have created, and the agents who have acquiesced in them.

* This circular will be found on page 126.

He had seen all kinds of absurd customs, but one which he met with the other day exceeded anything he could have thought possible. On an estate in Nottinghamshire, he found this custom prevailing:—the incoming tenant entering at Michaelmas sowing the wheat crop, and paying the value of it at maturity to the outgoing tenant. The absurdity of customs could not receive a better illustration, and he had always acted on the theory that nothing should be left to be regulated by them. Every letting should be the subject of a well-considered agreement or lease. Like most other agents, he had a model agreement, and he would read a short extract from it, embodying his practice as to unexhausted manures and feeding stuffs:—

“The land-owner shall pay or allow at the end of the tenancy, such compensation for unexhausted improvements as may be due to the tenant on the principles set out in the Schedule of Allowances hereto annexed, subject to the following provisions.

“(1) No allowance shall be made for any bones applied to grass land, except on a certificate duly signed on behalf of the land-owner, specifying the quantity and cost of the bones applied, and the date of the application.

“(2) None of the other allowances specified shall be authorized by the arbitrators, except on the production to them of the invoice, with satisfactory evidence of the outlay, and the date of the application or consumption.

“(3) Manure applied to a second consecutive corn crop, or used in substitution for straw, hay, or green crops, if any, sold off or removed with the consent of the land-owner, shall not be the subject of any allowance.

“(4) All money due to the land-owner for rent, dilapidations, breaches of covenant, or otherwise, shall be treated as set-off against the tenant's claim under the agreement.

SCHEDULE OF ALLOWANCES.

“ For linseed, cotton, or rape cake, one-fourth of the actual cost of the total quantity consumed on the premises during the last 2 years of the tenancy.

“ For raw bones, applied to grass land at the rate of not less than 10 cwt. per acre, the actual cost, less one-sixth for each entire year which shall have elapsed between the application and the end of the tenancy.

“ For clay or marl, applied to light arable land, the actual cost, less one-fifth for each whole year elapsed.

“ For lime, bones, super-phosphate, or other approved bought manure, applied to land from which no corn, pulse, or flax crop shall thereafter have been taken, nor any turnips, or other green crop paid for by the land-owner or incoming tenant, the entire cost.”

With respect to durable and permanent improvements, all that was required was a proper understanding between landlord and tenant. He often made use of the powers given by the 14th and 15th Victoria, cap. 25, which gave the tenant the right, with the consent of the landlord, to put up buildings and remove them, if not paid for them at the end of the term, which he was sure to be if they were worth buying. Before sitting down, he would instance one case which bore on the question of permanent improvements, and also illustrated one of his favourite theories,—the advantage of having a certain proportion of small farms. In 1862, he let to a tenant a farm of 66 acres at a low rent, the farm being very much out of condition. The tenant began with very small means indeed, but had done so well that he had, this year, been able to take a farm of 400 acres, for which he had to pay £800 a year rent. The money required to stock this farm he had made on that which he was now leaving. He had improved the farm considerably

in many ways, and suggested that he should be paid a bonus, in addition to the tenants-right under his agreement, for the state into which he had brought it; this he (Mr. WOOLLEY) refused, however, on the ground that he had already been compensated for his other improvements by the lowness of the rent at which it was let to him (a fact which was one which was very often lost sight of by the advocates of compensation). Being a sensible man, as well as a most industrious one, the tenant said no more about it.

Another case which he had now in hand, illustrated the view which some tenants took of leases as against yearly tenancies. Six years ago he let to a Lincolnshire man for a son, a farm which he would call farm A. Some peculiarities of temperament in the owner of the farm, made it desirable for the tenant to have a lease. After it was completed the landlord thought he would be his own agent, and he (Mr. WOOLLEY) heard no more of him for some time. Three or 4 years after, he let to the same man, for another son, a large farm which he would call farm B, on a nobleman's estate in Warwickshire. The other day the owner of farm A wrote to say that he had got a letter from his lessee, saying he was anxious to give up the lease. He saw the lessee, and talked to him on the subject, reminding him that he had fixed the rent of both farms, and that, in his opinion, the farm on yearly tenancy was rather the dearest. "Yes," said the lessee, "but look at the difference in the landlords." The lessee, who was an excellent man of business, very much preferred the yearly tenancy under the owner of farm B to the leasehold tenancy under the owner of farm A,—a very suggestive fact.

In conclusion, he would remark that Mr. BEADEL, in mentioning that there was a great tendency to cheating by outgoing tenants using adulterated feeding stuffs, rather

overlooked the fact that it was to the interest of the person who consumed the feeding stuff with his own stock, to have it as good as he could obtain it. No doubt there was considerable liability to the adulteration of artificial manures; but, by following the principle on which he based his allowances,—viz., that a corn crop exhausted all claim to allowances for any articles of that kind,—no great harm could be done in this direction.

Mr. W. BROWN (Member) felt himself competent to say a few words upon the question under discussion, for he could claim a connection with agriculture as long, if not longer, than any Member of the Institution. In the year 1828, at the age of 14, he entered the office of a land agent and surveyor of well-known ability at Tring; and on one of the estates managed in that office,—the Tring Park Estate, containing nearly 5,000 acres,—he found in use a printed form of agreement, which he believed was still adopted in all lettings on that estate. He did not agree with every word of the clauses in that form of agreement; but he could say with some confidence that it had worked satisfactorily throughout the long course of years during which it had been employed. The clause in that agreement to which he wished just now to call attention was this:—"And that he the said landlord, his heirs or assigns, will at the expiration of the said term make a fair and reasonable allowance to the said tenant for or in respect of all improvements of a permanent nature made by him the said tenant upon the said premises, and of which he shall not have reaped the full benefit, such allowance to be settled, in case of disagreement, by two competent persons or their umpire, to be appointed as hereinafter provided." This showed that it was no new principle with which they were dealing; and

that a system of compensation to outgoing tenants could be worked with satisfaction to all parties when arranged upon a practical basis.

The subject could not have been brought forward at a more opportune moment, for it was evidently on the eve of consideration in Parliament. As showing the attention it was now receiving, he might mention that a deputation from the Farmers' Club had that day been appointed to wait upon the Prime Minister on the 2nd of March, and would be accompanied by several Members of Parliament interested in the question. Although the author of the Paper could not do otherwise than refer to the Bill of 1873, the Institution should, he thought, in preference to discussing a measure which had been withdrawn, endeavour to indicate some basis for a future Bill. A proposal of the kind, unless moderate in its aim and general in its provisions, was not likely to meet with much favour from the present Parliament. In addition to this, it should be elastic enough to be applicable to all soils and climates, and to different times of quitting. He could not agree with Mr. HUMBERT, nor with Mr. RYDE, that the prevailing state of things was entirely satisfactory, nor did he share their apprehension that legislation with reference to it was likely to bring landlord and tenant into collision. If he gleaned the general feeling of the Institution, it was that it was right that some better security should be given to a tenant who farmed his land liberally, and that a 12 months' notice to quit was only fair and reasonable. Since the last Meeting, Mr. C. S. READ, whom he had known as a land agent before he went into Norfolk to farm, had addressed a Meeting at Harleston, condemning, by anticipation, any measure which did not contain the 12th clause of his former Bill; but he (Mr. BROWN) was convinced that no such clause

would be found in any Government measure, and if it were, that it would share the fate of Mr. READ's Bill of 1873.

He agreed with Mr. SMITH, that permanent improvements should be done by the landlords,—those under disability having full powers of borrowing under the several Improvement Acts,—and that all claims for unexhausted manures or improvements should be limited to 5 years. He also agreed with Mr. BEADEL, that if the Bill were properly drawn there would be no necessity for exempting Lincolnshire or any other county from its operation. He remembered that Lord BROWNLOW mentioned at one of the Meetings held at this Institution,—referred to by Mr. SEDGWICK,—that he had not had a single claim made upon him as landlord since he came into possession of his Lincolnshire estates, all questions of tenant-right being arranged between the outgoing and incoming tenants. It was a moot point in his mind whether any Bill of the kind proposed should not, in the first instance, be limited to those cases where no agreement existed, or where leases and agreements did not provide compensation for the tenant's unexhausted interest upon quitting.

He ventured to suggest that it would be desirable to adjourn the discussion until the Bill was before Parliament, or that a Committee of the Council should watch the Bill and report thereon, agreeing as he did, with Mr. SMITH, that the opinion of this Institution ought to have some weight in determining future legislation of this kind.

Mr. J. MARTIN (Member) proposed to say a few words chiefly bearing on the Lincolnshire tenant-right. He felt interested in the valuable Paper read by Mr. KNOLLYS, and was thankful to him for bringing this large and wide subject before them.

He had lately had a great many inquiries from entire strangers, as well as from friends, asking what was really the Lincolnshire tenant-right so eulogized by this Institution as well as by the public in general. Thinking it might be interesting to the Members, he had printed a Schedule of Allowances setting forth the Lincolnshire tenant-right, and should be glad to offer a copy to Members present. It was as follows:—

“Schedule of Allowances adopted by the Lincolnshire Land Agents’ and Tenants’-right Valuers’ Association, and to be considered ‘The Custom of the Country,’ for Lady Day and May Day Tenancies, which are the prevailing Tenancies in the County.

“CAKE.—Half the cost of linseed, cotton, and rape cake consumed during the last year; the quantity not to exceed the average of the 2 preceding years.

“LIME.—Seven years’ principle, on cost including railway carriage, cartage, and spreading.

“MARLING.—Seven years’ principle.

“CLAYING on fen land.—Seven years’ principle.

“ARTIFICIAL MANURES used with green crops.—Whole of last year’s bill, and railway carriage.

“BONES used on grass land.—Five years’ principle.

“UNDER-DRAINING.—When tenant finds tiles and labour, 10 years’ principle.

“UNDER-DRAINING.—When landlord finds tiles and tenant finds labour, 7 years’ principle.”

Examples of Tenant-right Allowances for Cakes and Artificial Manures used on Ten Farms in Lincolnshire, for the Year ending Lady Day 1874.

Extent.	Amount allowed for Cakes used.	Amount allowed for Artificial Manure used with green Crops.	Amount allowed for Seed, Labour, Improvements, and Fixtures.	Total Amount allowed for Tenant-right.
A.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
450	105 18 5	91 10 0	492 10 9	689 19 2
390	109 16 5	94 15 0	487 13 8	692 5 1
750	101 13 9	96 10 0	839 14 3	1037 18 0
600	252 18 0	214 10 0	838 0 1	1305 8 1
390	291 10 3	58 19 9	577 1 9	927 11 9
400	121 13 9	34 10 0	488 15 3	644 19 0
950	113 0 0	189 17 0	1602 9 9	1905 6 9
500	81 14 2	266 0 3	745 12 11	1093 7 4
320	230 1 4	127 8 6	574 8 10	931 18 8
405	104 7 10	219 17 1	596 13 1	920 18 0
Total A 5155	£1512 13 11	£1393 17 7	£7243 0 4	£10,149 11 10

	£	s.	d.	
Average cake allowed	0	5	10½	per acre.
Do. artificial manures	0	5	5	„
Do. seed, labour, improvements, and fixtures	1	8	1	„
Do. total tenants'-right	£1	19	4½	„
Average rent of the above farms	£1	10	4	„

Having had considerable experience as a land agent, holding, as he did, the agency for about 50,000 acres; having also valued the tenant-right upon upwards of 100,000 acres of land within the county of Lincoln, and being also an occupier of nearly 1,000 acres, he expressed his confidence in the Lincolnshire tenant-right, and begged to assure Mr. GEPP that it was “reasonable, certain, and had been

established by long usage." Among valuers of standing, it rarely happened with this tenant-right that there was much difficulty in arriving at a satisfactory settlement, and it was the exception for the umpire to be called in to determine allowances. When heavy difficulties arose, it was generally with valuers from counties where the Lincolnshire custom does not prevail. It seldom occurred, as stated by Mr. RYDE, "that tenants make durable improvements in opposition to the interests of the landlord or incoming tenant."

Until recently, this tenant-right or custom of the country had been more recognized in the centre of the county than in the extreme north and south. He believed he was justified in saying that it is now generally acknowledged throughout the entire county.

In consequence of the greatly enhanced value of material and labour within the last 2 years, some of the allowances had been increased. For the erection of permanent buildings, with leave in writing to erect, but without stipulating the amount to be expended, and leaving the principle open, a 20 years' principle had been allowed, which he believed to be equitable. Without such permission to erect, no allowance whatever was made. He might add that 95 per cent. of the farms within the county of Lincoln were held upon a yearly tenancy, terminating on the 6th of April, and he had not seen any county (not excepting even the Lothians) so well and liberally farmed, although in saying this he might possibly be thought to favour too much the farming in his own county.

In Lincolnshire, the tenants kept the buildings, gates, and fences in repair at their own sole cost, and only in exceptional cases was any timber, &c., found by the landlord. In many counties the timber was found by the landlord, and some tenants were not anxious to put it into use.

Most of the Lincolnshire tenancies were subject to a 6 months' notice to quit, which had so far acted well, and he doubted the policy of increasing it to a notice of 12 months as advocated by Messrs. HOWARD and READ's Bill, and various Chambers of Agriculture, believing with Mr. KNOLLYS that it would frequently extend to a period of nearly 2 years,—a long term for a slovenly tenant to have the opportunity of injuring his farm, or in case of death, for trustees to work it.

Many persons urged that all purchased corn should be allowed for as cake, and that when maize was at a low price and cake at a high one, it was right to use the former, which should be allowed for on quitting. If the maize purchased by a tenant represented the same value as beans or peas grown upon the farm, why not allow for beans or peas the same as maize?

The Lincolnshire custom did not allow for the use of the indefinite food, called feeding stuffs, but for cake only; and experience led him strongly to oppose any measure which would allow compensation for corn, as it at once offered an opening for fraud and robbery. It surely could not be much to the benefit of an incoming tenant to pay compensation for the corn eaten by the pleasure horses of an outgoing tenant, even if it were possible to fairly arrive at the quantity consumed, which had always been difficult to ascertain in any valuation in which he had been concerned where an agreement had allowed this claim. This was one of the customs allowed at the present time in the counties of Leicester and Rutland.

He noticed that Mr. KNOLLYS advocated that claims for durable improvements should not extend beyond 5 years. With this he could not agree. If a tenant drained land at a cost of from £5 to £10 per acre, he began, as Mr. BEADEL said, to reap the benefit at once, and if well done, the im-

provement stood good for 20 or 30 years. He must, therefore, be surely entitled to a 10 years' compensation.

No doubt the landlord should perform all permanent improvements, but he had known many cases in his own county where it had been a great boon to both landlord and tenant that the latter should advance the funds and perform the necessary work, especially on glebe and life estates, when, if application through the Inclosure Office and a Lands Improvement Company were made, the fees and office expenses would entail a heavy per-centage upon the amount expended.

Respecting the dilapidations committed by a tenant, in cases similar to that mentioned by Mr. HUMBERT, he might observe that if the farm were subject to the Lincolnshire tenant-right, his difficulty would easily be overcome, as the amount of dilapidations would be deducted from the amount of the valuation for tenant-right.

Much had been said in public prints about freedom of cultivation. His own experience was that very few tenants were so fettered in this direction as to be detrimental to their interests, and even if more freedom of cultivation were accorded them, he could not see how "they would be able to grow heavier turnip crops and keep larger flocks" as suggested by Mr. SEDGWICK.

In conclusion, he would remark that the custom of tenant-right generally prevailing in Lincolnshire was admitted by almost all business men to be the best in existence; yet it was to be regretted, and very unsatisfactory to find, that eminent solicitors, land agents, and surveyors in London and elsewhere, although they approved and extolled the Lincolnshire customs, when letting a farm in Lincolnshire, frequently introduced their own pet tenant-right, and occasionally changed the time of entry from Lady Day to Michaelmas, thereby entailing a loss upon the landlord.

As a matter of course, the tenant gladly accepted the change, as he well knew he would have the same number of harvests to reap with half-a-year's less rent to pay, and would be freed from the winter labour necessary to carry on the farm.

It appeared to his mind to be a very difficult task to frame a Tenant-right Bill which would suit alike a Lady Day and a Michaelmas tenancy, and deal satisfactorily with tenant-right now existing. At the same time he felt that some enactment was required to protect the tenants upon glebe and limited owners' estates. If the Members of this Institution would put their shoulders to the wheel, and encourage a liberal and fair tenant-right, and allow it when they had an opportunity, in course of time a great stride would be made without any Parliamentary measure. He would recommend Mr. SEDGWICK, if he had the power, to at once make his Huntingdonshire tenant safe on quitting, by giving him an agreement to compensate for his large outlay in cake, for fear he should not use any in the last years of his term.

Mr. E. P. SQUAREY (Member) said that he rose to offer a few observations on this important and interesting subject with some hesitation, feeling that his views were likely to be at variance with the opinions of some of the ablest Members who had spoken on previous occasions. He ventured to ask the Meeting to consider what was suggested by the Bill of Messrs. READ and HOWARD, upon which Mr. KNOLLYS' excellent Paper was founded. It was, that legislation was necessary, under certain conditions, to protect the interests of the outgoing tenant. On the other hand, it was denied by the great majority of the Members of the Institution who had expressed their views, that any legislation was necessary or desirable,—their argument being that an agreement between the landlord and the tenant was a greater

safeguard to all the parties interested than any which legislation could supply. But he would venture to ask whether it was quite certain that no principle of law existed at the present time whereby the right of an outgoing tenant in this direction was recognized? Was there not the Common Law of England existing from time immemorial, which did most emphatically protect the outgoing tenant? What was the meaning of "*emblements*" at the termination of a copyhold tenure? Were they not a recognition by the Common Law of the right of the tenant to be compensated fully, by taking out of the land the crop which he had put into it?

Adopting for the moment the method of classification into temporary, durable, and permanent improvements, employed in the Bill of 1873, he would venture to assert that the scheme suggested for adoption in Mr. READ's Bill, so far as regarded temporary improvements, was nothing but an acknowledgment, in degree, of the principle which had been recognized for centuries in the law of *emblements*, and he saw no reason why special legislation should not be applied to embody it, in a reasonable, proper, and prudent form. No new principle was being advocated, nor were they asking for an Irish Land Bill. It was suggested, and the Institution, he hoped, would adopt it as part of its creed, that an outgoing tenant was as much entitled to be paid for the manorial and feeding matters imported into his land, of which he had not derived the benefit, as he would be for *emblements* at the termination of a copyhold tenancy. Every argument used by Mr. MARTIN, Mr. WOOLLEY, and Mr. BROWN, was confirmatory of his views, that the common law admitted "custom" in this respect, and pointed to a recognized principle, which the supporters of the Bill simply asked should be embodied in a legislative Act confirming, in a larger and more distinct form, those rights which were

already recognized in principle and degree. He was no advocate of compulsion, but simply desired that these compensation clauses should apply where no agreement exists, without in any way prohibiting those who choose to enter into contracts, from doing so. Having passed a large portion of his life as a farmer, and as a farm appraiser, and having some experience as a land agent also, he was of opinion that the operation of such legislation as he had referred to, would tend rather to simplify than to embarrass matters, and would improve, rather than aggravate, the very intricate relations which too frequently existed between outgoing and incoming tenants. In connection with this subject he would urge upon the Members of the Institution the importance of thoroughly examining and testing most searchingly the claims for compensation brought before them. Surveyors were the men looked to, in the absence of legislation, for justice between the outgoing and the incoming tenants, and the nature and expansion of prevailing customs depended in no small degree upon the intelligence and fairness with which their functions were discharged. In the district with which his firm were principally connected, they had succeeded in hardening a recent practice into custom. As an illustration, they were heretics enough to sow two white straw crops following, and to believe that it was wise to do so. They generally used one-half of the land succeeding the barley crop for grass, and the other half for two crops of turnips following each other, and they managed in this way to grow remarkably good wheat crops. It had taken years to establish the custom, that the incoming tenant on lands treated in the latter fashion, should be held entitled to and be paid for what were called half tillages—viz., for half manures, for half labours of all kinds applied in the growth of the

first crop of turnips, and, in the event of the outgoing tenant not having fed off the second crop of turnips, for the whole of these tillages as well.

He could conceive no reason whatever why, if Parliament would indicate a principle (not the details) which was to govern the application of these customs, it should not contribute greatly to the well-being and comfort both of outgoing and incoming tenant, and remove that retardation of production to which Mr. KNOLLYS had so ably referred. He shared completely with Mr. WOOLLEY and the previous speakers in this discussion, their views as to the impolicy and injustice of compelling a landlord to stand aside, whilst his tenant indulged in all kinds of fancies and ideas which might or might not be improvements, and which the landlord hereafter, under the lately suggested legislation, might be called upon to pay for. Nothing could be more conducive to fraud; nothing more likely to put landlords on ill-terms with their tenants, and bring about a state of things which they, as land agents and men of sense, should be most anxious to avoid. But, while on the one hand he had no sympathy with proposals for compelling the landlord to pay, under conditions, for permanent improvements on farms, he had, on the other hand, every sympathy with the farmer who sought in a proper and legitimate fashion to improve his holding. There was a means of escape from the difficulty, which he would venture to place before them, and in so doing he was not unmindful of the sharp arrows which his friends about him might launch at him in his capacity as a director of a Land Improvement Company.

Might it not be possible for a tenant,—seeking to effect temporary improvements, of a kind the value of which might fairly be expected to be recouped within 8 or 10 years, and holding under a landlord whose estate, say, was settled,—by some cheap process, to borrow money for a

shorter term than the 25 years, now usually applied under the powers of the Inclosure Commissioners. He might point to such works as road-making of a minor character, fencing, chalking, and marling. To the two latter the powers of the Commissioners did not extend. Surely a shorter term might, under the contemplated legislation to include these improvements, be adopted, and the costs reduced in proportion. Perhaps the author of the Paper, who was one of the Inclosure Inspectors, would deal with the suggestion in his reply, and be able to indicate some practical solution of the difficulty. He would suggest that the rent-charge should not be an equable rent-charge, running over the whole period of 10 years, but that it should commence with the larger payment in the earlier years and gradually diminish to a minimum in the latter part of the period. Up to the present time he had been arguing very much in the interest of the tenant. He would now admit that, if there were tenants' rights, there were landlords' wrongs; and he must confess that his experience had not been limited simply to the desire and emulation of tenants to improve their farms and positions. He had occasionally met with cases where there had been grave reasons on the part of the landlords for complaining that the right hand of liberality stretched out to the tenants had not always been grasped in the same spirit. He knew a case where tenant-right was extended to an estate, and an outgoing tenant was stated to have impeded the reletting of the farm, by saying to every man who came to look over it, "See what you will have to pay for the tenant-right." Mr. BROWN had referred to Tring Park; and it occurred to him that Tring Park was not an estate where permanent improvements would be required, except as regarded chalk. The land was a Goshen in the bottoms, and stood in little need of expensive permanent improvement.

Mr. P. D. TUCKETT (Member) said that he had feared that the report of the last two evenings' discussion might convey a general impression that this Institution, in condemning much which was extravagant in what was said at public Meetings and written on this question, was rather too ultra-conservative in its character, and opposed to any tenant-right at all. A vast deal of this extravagant writing emanated from people arguing in the exclusive interest of tenant farmers. Within the last 2 or 3 days, he had read an article in a newspaper pitying the labourers, but suggesting that farmers could not afford to pay higher wages, urging, however, that the produce of the land might be doubled,—the means suggested being to empower a tenant to charge his landlord with all permanent improvements. That meant that the labourer and farmer could be made happy by robbing the landlord. It seemed to him necessary to bring out distinctly what there was of reason in this agitation as distinguished from what there was not. A great deal of it had resulted from farmers, in their difficulties with the labourers, looking with longing eyes to the legislation which had been applied to Ireland. The Irish Land Act was exceptional. It did not profess to be a measure for agricultural improvement, but an enactment to bring the law into harmony with the state of things which really existed in fact, although not in law,—a condition of things which was exceedingly unfavourable to agricultural improvement.

It was idle to compare the state of things in England with that which, in Ireland, may have rendered such legislation necessary; and he believed that any compulsory legislation as to permanent improvements would stop far more landlords' expenditure than it would produce tenants'. It was a very unfortunate thing for this question that the first scheme of the kind should have been associated with a clause like the 12th clause of Mr. HOWARD'S Bill, limiting the freedom

of contract between landlord and tenant. That, in itself, would be introducing a new evil in place of remedying an old one, and nothing but a stern national necessity could justify it. But was there any such national necessity? Was it not the case that a very large proportion of the food of the country was imported from abroad; so much so, that the range of prices depended mainly on foreign markets, and it could not be argued as a great national question that the non-improvement of certain estates was as great an evil as would result from any attempt to limit the freedom of contract. But, passing from permanent improvements to the outlay required in the ordinary operations of a farm, there was no doubt that a state of things had grown up which might justify some legislative treatment; and, as Mr. SQUAREY had very rightly suggested, the principle of compensation to tenants for that which they had put into the land, was as old as the Common Law of this country. It must be remembered that most of our agricultural customs grew up and took their shape long before the days of high farming; and the modern practice of purchasing feeding stuffs and artificial manures was not contemplated by them. It might, therefore, be fairly argued that outgoing tenant-right customs should be enlarged upon the old basis, so as to bring them into harmony with modern high farming, and make a general system of fair allowances for the purchase of food and manure. The evil of the Surrey tenant-right is that it consisted largely of payments for half dressings and tillages, the advantages of which were exceedingly doubtful to the incoming tenant. In Lincolnshire, on the contrary, the tenant-right which has been so much praised, mainly consisted of payments for the artificial manure purchased during the last year or two of the tenancy, and for a certain part of the linseed and other feeding cake. It appeared from Mr. MARTIN'S circular, that the Lincolnshire tenant-

right now includes half the cost of linseed cake used in the last year. When he (Mr. TUCKETT) studied farming in that county nearly 20 years ago, under a Lincolnshire tenant-right valuer, the allowance was one-quarter of the cake used in the last 2 years. Mr. MARTIN's was, he supposed, a more modern alteration. As compared with the allowance given in the circular for purchased manures, an allowance of half the cost of feeding cake, as its manurial value, seemed to be excessive. One-fourth for 2 years, which, with a Lady Day entry, would only include the cake which had not yet produced a corn crop, seemed to him to be a fairer proportion.

A MEMBER remarked that it came to the same thing in the end.

Mr. TUCKETT agreed that it was so, provided the amount purchased in the 2 years was uniform; but if a man had used no cake the year before, and used all in the last year, the case would be different. The Lincolnshire tenant-right had the advantage of being much more easy to prove than the Surrey and some other forms which prevailed, though it was not absolutely free from the risk of fraud. As an instance of this, he might mention a case which had occurred in his own practice within the last 12 months, of a Lincolnshire tenant (he admitted it was an extreme case) who bought a quantity of cake, bartered it away again, and kept the bill as a voucher for cake used on the farm.

The PRESIDENT observed that the man had evidently been detected, or they would not have heard of it.

Mr. TUCKETT said the fraud was detected. He thought it would be possible to generalize this part of the Lincoln-

shire tenant-right, so as to make it applicable to both Michaelmas and Lady Day entries, and to all cases where no written agreement existed; but this was a very different thing from making it compulsory. The establishment of some general tenant-right principle, on all fours with the system of modern husbandry, and on the basis of existing customs, would, he believed, be of great advantage to agriculture, and would remove every real grievance of which farmers complained. With reference to permanent improvements, it should be borne in mind that, hitherto, in England it had been the practice for landlords, and not tenants, to make them, and it seemed unadvisable to do anything that would discourage such outlay on the part of landlords; and it should also be remembered that land commands a very high price, because it is so enjoyable and secure, and because an owner can do what he likes with it. There was nothing to prevent any landlord, if he were so disposed, making arrangements for the improvement of his property; but if a minority of landlords did not choose to do so,—although it might be disagreeable,—there was really no absolute and vital necessity for their tenants to make those improvements, since their absence did not involve their quitting suddenly or any such hardship. To give them power to do so might, in some cases, be an advantage, but it was not one of so marked a character as to justify the Legislature in such a serious interference with rights of property as was advocated by some persons. One other alteration of the law should, he thought, be recommended, viz., that the removability which had long attached to trade fixtures should be also applied to agricultural fixtures.

Mr. R. P. NISBET (Member) said that he entertained a very strong opinion that to compulsorily impose the Lincolnshire or any other form of tenant-right upon all

estates, would be subversive of the rights of freehold property, and would make it more like copyhold. Many large estates, both in the north and in the south, had been farmed for years past to the highest state of perfection under agreements without any tenant-right at all, and was it likely that shrewd, sensible men, who occupied farms upon those estates, would go on as they did improving their land, and using large amounts of artificial and other manures, unless they believed that they had every practical security for their capital so invested. He could instance many estates—the Duke of NORTHUMBERLAND’S for one—where there was no tenant-right and only yearly agreements. When Duke ALGERNON succeeded to the property, he offered through his agent, Mr. TAYLOR, leases to all the tenants upon the estates in Northumberland. Only one man accepted the offer, and, some years ago, he declared that he had never ceased to regret having done so. To show how oppressively the system of tenant-right operated on the landlords in some instances, he might mention that some few years ago an estate in Lincolnshire, on which tenant-right was established, was sold, and the nobleman who bought it wished to substitute leases for the yearly agreements under which the tenants held their farms. A Member of this Institution was asked to arrange the matter with the occupiers, and the first tenant who came in to negotiate, said—“Yes, I am willing to take a lease; but I must be paid for my tenant-right before I do so.” The agent said, “What do you expect?” He replied, “I have brought a statement of my claims, and they amount to about £2,000.” This was on a farm of 500 acres. It was a hard case for the landlord, that he could not do what he pleased with his property, and that he should be called upon to pay something like the fee-simple of the land for these rights before he could effect a change in the nature of his

tenancies. Many of the features of these tenants-right were most objectionable, and he was not without experience of cases where actual robbery was attempted by means of fictitious claims of the kind. The last gentleman who spoke, mentioned a case of attempted fraud. He himself once had a case where a man produced his bill for a large amount of cake, although, as a matter of fact, no cake had been used on the farm, as he knew from his own observation, and when he traced the matter to the root, he found that the man had induced almost as great a rascal as himself to join him in the transaction, and give him receipted bills for cake sold. This man had got advances on his corn from the other person, and to pay himself, he gave him a receipted bill for cake, said to be used on his farm, and tried to induce him (Mr. NISBET) to pay for it. That was one of the things they were liable to at the hands of dishonest people, in districts where tenant-right was established. There was one clause in Mr. MARTIN'S circular referring to artificial manures, which he decidedly objected to. A great quantity of what was called artificial manure was stuff of no value whatever—not worth carting from the station to the farm,—and it would be very unjust to an incoming tenant to oblige him to pay for it. In some cases where bills for manures were produced, and compensation claimed, he had samples analyzed, and frequently found that they were perfectly worthless. It would be better if “bone manures” and “guanos” had been specially mentioned in the circular, instead of “artificial manures,” seeing how much adulteration was practised, and the carelessness of farmers with regard to these matters. Many of them bought from some neighbour who had failed as a farmer and started as a dealer in artificial manure, without the knowledge requisite for the purpose.

There was no necessity, so far as he could see, for any Tenant-right Bill. Landlords and tenants were quite able

to take care of themselves, and an ordinary agreement gave all the security which was necessary. No farm on any estate should be let without an agreement, and the simpler that agreement was, the better. He had had a great deal of trouble in settling matters between outgoing and incoming tenants on estates where there were no agreements, and it was a state of things which should not be allowed to go on, and Members of this Institution should urge upon their employers the advantages of agreements, and insist, so far as they could, upon their adoption in all cases.

A great deal that was true had been said by Mr. CAIRD, with reference to the exhaustion of the land during the last years of the term under leases for 21 years. This was only to be expected, for he had found in his experience, when landlords or agents were asked to renew the leases, that what amounted to a fine was imposed in the shape of increased rent. It was stated by Mr. CLUTTON to be his practice to renew his leases, if desired, 2 years before their expiration; but he himself was of opinion that the proper time for renewal was the last 5 years, especially in the north of England.

The PRESIDENT asked whether on the Duke of NORTH-UMBERLAND's estates, where there were no leases, the farms were held on Michaelmas or on Lady Day tenancies.

Mr. NISBET: Lady Day.

The PRESIDENT inquired whether there was payment for the seed and labour.

Mr. NISBET replied that there was payment for seed and labour, but not for manures. The manure made from the produce of the winter was left for the incoming tenant.

Mr. T. M. GEPP (Associate) said that he was glad that Mr. WOOLLEY had called attention to the Act of 14 and 15 Victoria, cap. 25, which was a very useful enactment, and not nearly as well known or as much resorted to as it deserved to be. He could not agree with the view advanced by Mr. SQUAREY's allegation, that the tenant-right principle was recognized by the ancient laws of England, nor did he believe that there was the slightest ground for his theory, and thought he would have some difficulty in proving it. His immediate object in rising, was to add a few words to his remarks on a previous occasion with reference to what were called the disabilities of tenants for life. First, as to the Enabling Statutes. A tenant for life, where the instrument under which he claimed did not contain any power of leasing, could grant, under certain restrictions, agricultural leases for 21 years, without going to the Court of Chancery. If, however, the instrument under which he claimed were prior in date to 1853, he had no choice but to apply to the Court. This, he thought, called for amendment. Again, there did not appear to be any public Act of Parliament authorizing a tenant for life to borrow money at all, even for improvements, although he could do so under the Lands Improvement Act and other private Acts of Parliament for that purpose. The Bill of Messrs. HOWARD and READ contained a provision that in the event of any sum being awarded for permanent improvements, the tenant for life should have power to create a charge on the estate in the same way as for the redemption of land tax. This, however, was relieving the pockets of those tenants for life, who were men of means and did not need it, while giving no power to a man without a surplus income to raise money at all. The same Bill also gave power, under a certain process, to a tenant for life with limited means to raise the money, and charge it on the inheritance. This latter provision was altogether omitted from

the draft Bill prepared by the Committee of the Chambers of Agriculture. It was a great defect in that Bill, and Mr. HOWARD, in a letter written a few days ago, called attention to the omission, and said, "Surely if they (the owners) are to be made liable for compensation, powers should be given them to raise money to pay it." He would, however, go still further. He knew of a case where a tenant for life of a large estate lived to a good old age, and did but little or nothing towards keeping the farm-houses and buildings in repair. The succeeding tenant for life, therefore, came into the estate with the buildings in a very dilapidated condition, and had to lay out some thousands of pounds in consequence of the negligence of his predecessor. He contended that, under certain regulations, the second tenant for life ought to be afforded facilities for borrowing money to carry out these improvements, and it would be to the public advantage that owners in these cases, which were not uncommon, should be able to do so.

On the motion of Mr. A. ROGERS, the discussion was then adjourned to the next Meeting.

AT

THE ORDINARY GENERAL MEETING,

Held on Monday, February 15th, 1875,

THE PRESIDENT IN THE CHAIR,

The discussion on the Paper by Mr. J. E. KNOLLYS, entitled "The Landlord and Tenant Question," was resumed by

Mr. ARUNDEL ROGERS (Associate), who said that the discussion had hitherto turned chiefly upon practical questions, and especially upon the question of compensation; but he thought it very desirable, before deciding upon the principle on which to proceed with reference to compensation to the tenant, to consider the relationship of landlord and tenant in early as well as in more recent times, and the theory of law which had existed in this country from a very remote period. He felt less hesitation in adopting this course, for the reason that Mr. KNOLLYS, in introducing the question, had laid down three points for consideration, viz.: "The relations of landlord and tenant; the tenure of land; and security for capital invested by the occupying tenant and compensation on his quitting for improvements effected by him." These were subjects which have latterly, not merely been discussed by those immediately connected with land and its cultivation, but which have rapidly acquired a more extended and general interest.

The land of England was, originally, the common property

of the inhabitants, and it first became appropriated by the Conqueror, who allotted it to his followers; although it should be remembered that no absolute property in it was given to them any more than to those who afterwards cultivated the soil. The Sovereign of the realm—and the principle had actually been recognized in the Republican States of America—was the superior landlord of the soil, every so-called owner holding under the Sovereign for the benefit of the State. The landlord himself, therefore, had under ancient laws, no absolute property in land in this or in any other country. He who came in subsequently as tenant or lessee was similarly placed under restrictions, and had to perform certain services, not only for the benefit of his landlord, but of the community at large. Now those principles were based upon the old Roman law, and might, he thought, be very fairly applied to the relations of landlords and tenants to each other, and of both to the State. Briefly, the principles of the ancient law might be thus stated: first, that the right of ownership was subordinate to the right of compensation to the cultivator; secondly, that any one might cultivate vacant lands (that was, lands which other people did not choose to cultivate), and make the owner pay compensation for that cultivation; thirdly, that he who cultivated the soil and expended his labour and energy upon it, was entitled to a permanent interest in it; and, lastly, that all interest in land was inheritable, so that the principle of the Roman law was clear, viz., that the tenant had an inheritable interest—just the same as the lord of the soil. Now those four principles, instead of being abrogated, were clearly conceded by the Conqueror upon the allotment of the land, and if there were added the primary principle that there was a superior over the landlord as well as over the tenant, it would be possible to rea-

lize the principles which should govern legislation, if legislation there was to be; or, at all events, should govern the conditions under which a tenant should undertake the cultivation of the soil. Now, no doubt what he called inheritable tenures had existed for some time in this country, and were acknowledged by statute; but inheritable tenures were followed by what were afterwards called long leases and leases for lives, and they gave a very considerable interest to those who became possessed of them. Lastly, short leases and yearly tenancies gradually took the place of long leases and leases for lives.

According to his notion, the old principles were sound, because they protected both the landlord and the tenant, and provided, no matter who was in possession, that the cultivation of the soil should be so conducted as to secure the greatest produce, and thereby the greatest benefit to mankind at large. The earlier statutes acknowledged those principles, and it was not until later times that the question of compensation arose. He mentioned this because some of the speakers who had preceded him had made observations which were not perhaps altogether intelligible to the ordinary reader, although they would be so to technical and legal minds. It had been said, for instance, that the principle of the common law as regarded emblements had always been acknowledged. Now there was no such thing known in this country as emblements until the introduction of short leases and yearly tenancies, and that was an important point to bear in mind. Under the old system nothing of the kind was necessary, because the relation of landlord and tenant was perfectly well defined, and had nothing whatever to do with such questions as growing crops, tillages, seed, and manure, which pertained exclusively to the modern landlord and tenant system. The Act of the 14th and 15th Victoria, cap. 25, which had been referred to, was,

he believed, the only statute which existed having reference to emblements.

There were only two sections in the Act which seemed to him important, and which could have been acted upon by the gentlemen who had spoken of it in terms of commendation. It seemed to him that one of those sections almost entirely did away with the common law right of the tenant, while the other was entirely in favour of the landlord. If the Members present would permit him, he would read the marginal note of the 1st section: "On determination of leases or tenancies under tenant for life, &c., instead of emblements, tenant to hold until expiration of current year, &c." This, as he had said, practically did away with the tenants' common law right to emblements, and it was open to question, whether surveyors acting under that section conferred as great a benefit on the tenant as on the landlord; for under the common law of emblements a surveyor might include many things as subjects for compensation which the tenant would not acquire under the statute. The provision, therefore, was really more in favour of the landlord than of the tenant. The other provision in the Act had reference to the removal of buildings or fixtures erected by tenants on farms, in cases where the landlord elected not to take them, or rather it provided for the removal of certain fixtures put on the farm by the consent of the landlord, and which he, after consenting to their erection, claimed, but declined to pay for. The tenant could not carry them away unless the landlord refused to take them. So far as he could judge, that provision, as well as the other which he had referred to, seemed to him to be entirely in favour of the landlord.

A speaker on the last occasion (Mr. GÉFF) said that "there did not appear to be any public Act of Parliament authorizing a tenant for life to borrow money at all, even for

improvements, although he could do so under the Lands Improvement Act and other private Acts of Parliament for that purpose." It appeared to him (Mr. ROGERS) that the speaker had fallen into some misconception, for the Lands Improvement Act was not a private but a public Act, enabling private individuals to do what they could not do before; and that Act had been repealed by the 27th and 28th Victoria, which was known as "The Improvement of Lands Act, 1864," and with which all surveyors were no doubt familiar, although it had not been referred to in the course of the discussion, and he therefore thought it right to draw attention to it. It was an Act entirely in favour of the landlord, and included tenants for life, and provided for every species of so-called permanent improvement. These Acts, with the enabling statutes which had been referred to, constituted all the legislation bearing upon the relation of landlords and tenants.

He submitted that the whole question was of less importance as regarded the landlords' and tenants' interest than as regarded the interest of the community at large—the conditions under which the land became originally vested in the great owners, and under which, he contended, it was still held by them, being that they should so use it as to confer upon the public at large the greatest possible benefit, which of course meant producing the greatest amount of food. It should be the main object of all legislation, with reference to land, to secure the highest possible production from the land. Not that he believed in the necessity for any special legislation to secure to tenants compensation for their improvements, for, setting aside the Act of Parliament curtailing the principle of emblements, the common law system was, in itself, sufficient to afford a tenant, or short lessee under the modern system, compensation for anything to which he was fairly entitled. He was strongly

of opinion that legislation, to be of any use at all, must leave the landlord and tenant entirely free to enter into any contract which they thought proper. Assuming, however, any legislation at all to be necessary, it must be something broader in principle than any which had yet been attempted, and should be based upon the old system, which did not recognize the landlord as the supreme and absolute owner of the land any more than the tenant, but the State as superior to the landlord, as he in turn was to the tenant. The compulsory granting of leases to tenants, in order to secure them a return for their invested capital, involved many practical difficulties, for no form of lease which could be devised would be applicable to every district in the country, and this was one of the reasons why it was so extremely dangerous to deal with this matter by legislation. Leases of land must depend, to a great extent, upon the nature of the land itself. Thus, a form of lease applicable to well-cultivated land, such as was to be found on the great estates, would be totally unfitted for land which was in a partial state of cultivation, or had only recently been reclaimed from waste. The term of the lease, again, must depend on the state of the land itself, because a man who had laid out his capital would, in some districts, get the same benefits under a 21 years' lease as he would get in other districts under a 40 years' lease. This applied with still greater force in cases of actual reclamations from waste, and it was a matter of paramount importance to this country, that all waste lands should be cultivated, and, in order to do this, the tenant who cultivated waste lands should have all the security which a long lease could afford him. If the landlord had not the means of cultivating those lands himself, there ought to be some provision, by means of which they should be cultivated by others, and by which those who laid out their money in so doing, should be compensated for it. How this was to

be effected he was not prepared to say, or whether it should be left in the hands of the land-owners. In some counties vast areas of waste land had been reclaimed under leases granted in accordance with the old system for 99 years, or for three lives, renewable upon a small fine as each life dropped off. If any legislation at all were necessary, it should be in reference to waste rather than to the cultivated lands.

Mr. G. BEAUMONT (Member) had seen that day, for the first time, a copy of the Tenant-right Bill, promoted by the Central Chamber of Agriculture. The preamble of that Bill embodied an assertion which he felt by no means inclined to admit. It was to this effect: "Whereas by law the capital of agricultural tenants, invested in the improvement of their holdings, is, in the absence of local custom to the contrary, forfeited to the owners without compensation," and so on. That assertion had been so often made, and so seldom replied to, that it was receiving a far wider acceptance than it deserved. He was convinced that the experience of those present went to show that a good tenant was rarely disturbed in his farm, particularly when in the hands of anybody holding the *status* of a Member of the Institution—his value was too well appreciated. The difficulty, indeed, was to get good tenants, and agents were disposed to do everything in their power to keep them. He approved of much which had been said in the course of the discussion, but he could not help thinking that the speakers had harped a little too much upon one string, namely, the Lincolnshire tenant-right. That form of tenant-right stood by no means alone, for many other counties were assimilating themselves to it, and he was not quite sure but that the Nottinghamshire system was as liberal and as advanced as the Lincolnshire. These much agitated questions of cakes and tillages were of quite recent growth. There was

nothing in the air of Lincolnshire which specially generated them. They were based simply upon a system—applicable to any county—of compromise between intelligent tenants, who would not lay out their money without security, and intelligent agents and landlords prepared to meet them in a sensible and liberal way. Like the constitution of this country, which had not been made by one Act of Parliament nor by fifty, but had sprung from the manliness, heartiness, and intelligence of our population, year after year adding something to it, so was it, speaking generally, with agriculture, which by the same process was every year showing some fresh development, and a deeper appreciation of its true interests. On the other hand, in those parts of England where there was no tenant-right, it was due mainly to the negligence of the farmer and his want of energy, and he believed that the present discussion would open the eyes of a great many owners and tenants, and lead the latter to insist upon their rights, and refuse to take farms where those rights were denied them. By that process they would obtain what they wanted without resorting to legislation.

There were many things in the Bill of the Chamber of Agriculture which were apparently valuable, and corresponded pretty much with what was allowed in practice, but many also which were new, and hardly likely to be accepted. Thus, the arbitration clauses appeared to him to be most intricate and unworkable, and to carry them out effectually would require the services, not only of an umpire and two arbitrators, but also of a lawyer on each side, to see that they served their notices properly, and complied with other technicalities of the law.

There was another point, with reference to which he must, it seemed, have learnt something which he did not know before, and respecting which he had, apparently, been mistaken all his life, namely, the power of limited owners

to bind their successors. If the view of the law which had been propounded were correct, he was afraid he had broken it very often indeed, because he had seen many excellent tenants working well and hard on glebe lands, and he had advised the clergymen, his employers, on many occasions, to make most liberal agreements with them (equal indeed to anything to be met with in Lincolnshire), and his advice had been adopted. Tenants had been changed under those agreements, and he did not see how, even with limited ownerships, the law could be disregarded, which provides that "as a man enters so shall he quit."

Reference had been made to a most powerful and excellent letter from Mr. TEMPLE, which had appeared in the *Times*, and which attracted his attention immediately, and, he must say, that he most thoroughly agreed with the writer of that letter in everything which he said.

As regarded notices to quit, he had tried hard to see that there was any advantage to either landlord or tenant, although he could see an immense number of disadvantages in extending the period to twelve months. To do so, would be to open the door to a great deal of possible mischief. If a tenant were a good tenant, keep him, and if a bad one, give him six months' notice, and get rid of him. It was quite long enough to have him.

There was another matter to which he would briefly refer. The dilapidation clauses of the Act seemed to be thrown in as a sort of sop to induce the landlord to swallow some of its other provisions. Tenants whom it was desirable to be rid of were generally insolvent, or nearly so, and it was often as much as an agent could hope to do to get the last half-year's rent out of them. To talk, therefore, of dilapidations was purely visionary in the great majority of cases,—at least anything beyond those of the most ordinary kind. In fact, he held the view, and he thought it was becoming

a general one in his neighbourhood, that there was only a yearly remedy against a yearly tenant. If, therefore, a tenant were allowed to accumulate dilapidations year after year, they were irrecoverable, as he understood it. All these matters, however, were, with the six months' notice to quit, in the owner's own hands. The farmers were probably not quite aware that the dilapidation clauses were putting a whip into the hands of their landlords, which, he was afraid, some unscrupulous owners might be disposed to use severely, particularly if the tenant were a man of means.

He was afraid it would be assumed, from the tone which he had taken, that he was altogether a landlord's man, but this was not the case. He delighted in a good tenant-right and in a good tenant, and would do anything he possibly could to help him, if he held under an agreement in which he could show him there was anything unfair or unreasonable. He believed this to be the general feeling among surveyors, and it would be an evil day for the agricultural community when matters of the kind were taken out of their hands and put into the schedules of an Act of Parliament.

——“rather bear those ills we have
Than fly to others that we know not of.”

Mr. C. J. NEALE (Member) wished to add a few words, by way of supplement, to the remarks of Mr. BEAUMONT. The PRESIDENT had, on a former occasion, alluded to the large extent of land which during the last eighty or ninety years had been inclosed from the forest in Nottinghamshire. Upon that land, of course, there was no tenant-right at the time of its inclosure. It was instructive to mark what followed. It was found that the growth of turnips practically laid the foundation for the success of the succeeding crops. In order to stimulate the practice of growing good crops of turnips, this custom became recognized, viz., to

allow the whole previous year's rent and rates to the outgoing tenant, as well as the cost of fallowing,—in short, the whole cost of producing that crop of turnips.

Again, it was found that bones were of the utmost value in fertilizing the light sand. Thus, an allowance was made to an outgoing tenant for bones, applied on the three-crop principle, pastures being considered half a crop.

Further, it was found that in order to ensure the best crops of turnips, autumn cultivation should be commenced immediately after harvest, and that the more work to that end done before the winter, the better the chance for the turnip crop. Here, again, by a tacit contract between landlord and tenant, it came to pass that very liberal allowances were made for all acts of cultivation done to the fallows previous to quitting. Further than that, it was found to be to the advantage of the incomer that the manure made from the last year's crop should be paid for. Accordingly, this was effected by a simple voluntary agreement, and he knew that in cases where a contrary custom formerly prevailed, the privilege had been given to the tenants within recent times.

With reference to the Bill under discussion, he believed Mr. READ, when speaking generally on the subject, had observed that you might grow swede turnips on a table; but would it pay to do so? There, he thought, he struck the key note of the whole discussion. If it could be shown that acts of husbandry would pay, they would be adopted and followed. All who were connected with agriculture were deeply indebted to those able cultivators who, like Mr. HOWARD, acted as pioneers of improvement, and conducted elaborate experiments in the way of steam cultivation. Only let Mr. HOWARD, or any one else, show that these operations were financially successful, and capital would flow to agriculture without the aid of an Act of Parliament. He thought experience proved that where acts

of husbandry were successful, they were liberally rewarded, and he could only say that in settling and adjusting claims between outgoing and incoming tenants for the last twenty-eight years, he could not remember one single instance where the outlay by a tenant had not been fairly recognized by the landlord on his quitting. Mr. MARTIN alluded to the scale of allowances which prevailed in his county. He (Mr. NEALE) had made a note of half-a-dozen cases which had occurred in his experience, and, with the permission of the Meeting he would, omitting the details, give the results, which would show that there had been a progressive improvement, and that under a system of free contract, outgoing tenants' claims had been fairly recognized.

The six farms referred to contained an aggregate of 3,051 arable acres, and he found that an allowance of £699 was made in respect of oil cakes consumed on the farms, and £2,121 for artificial manures,—the total tenant-right on those farms being £10,483 12s. 4d., or £3 8s. 8d. per acre, and that upon land which was actually barren and waste less than ninety years ago. It was true that over the border, in the West Riding of Yorkshire, and in Derbyshire, onerous customs prevailed; but still their general drift was in the direction of a liberal allowance to tenants under the existing law of free contract.

The PRESIDENT inquired what were the allowances made for liming, marling, bones, and under-draining in Mr. NEALE's district.

Mr. NEALE replied that for lime the allowance was two crops, either of corn or grass, after which the benefit was considered to be exhausted. If applied to pasture land, however, it would last double the time. He had very little experience of marling, but he believed that, in some cases, in

the north of the county a seven years' interest had been allowed. The allowance for bones was three crops, or six pastures; for ordinary under-draining, seven years; but in cases where the draining involved a heavy outlay, he had known ten years allowed.

The PRESIDENT asked whether under-draining was allowed for in cases where no consent had been given.

Mr. NEALE replied that it was, but it would of course be the business of the valuer to be satisfied that the work was well and effectually done.

Mr. E. RYDE (Member) said that he was sure that his friend Mr. WOOLLEY would be grateful to him for an opportunity of withdrawing, or, at all events, considerably qualifying, the very severe strictures on the Surrey custom, in which he indulged at the last Meeting.

He was afraid that Mr. WOOLLEY spoke without due knowledge of the "customs" to which he referred. Certainly the "manners" of the "natives" were quite equal to anything of the kind to be found elsewhere.

Mr. T. SMITH WOOLLEY (Member) said that, so far from withdrawing, he feared he must aggravate his offence by reiterating what he said at the last Meeting. His own experiences of Surrey tenant-right were of a kind to confirm him in his opinions, which could not find a better expression than in the letter from Mr. ROBERT CLUTTON printed in the last Report.

The PRESIDENT said, that in rising to exercise his privilege of addressing a few observations on the subject which had occupied the attention of the Institute for three

consecutive nights, he must ask for the indulgence of the Meeting, while he expressed, as briefly as the circumstances admitted, the opinions which he himself entertained with respect to it. There was no doubt that the question of tenant-right had, of late, assumed a position of unusual importance. It had not only been discussed very largely in the public newspapers, but also by those bodies and associations which more particularly represented the interest of the tenant farmers. It had, in fact, assumed the dimensions of a public and political question, and there seemed to be no reasonable doubt that during the present session of Parliament it would form a subject of discussion, if not of legislative action. He thought that Mr. SMITH had very tersely and forcibly demonstrated the importance of the question itself by pointing out that the landed property of the country represented something like a thousand millions of money, and that the interest of the tenant farmers was probably a sixth of that amount. It was only necessary to realize these figures to see at once the magnitude of the subject which was being dealt with. There could also be little doubt that it was a most fit and proper subject for discussion by the Institution, seeing, as Mr. SMITH said,—and he was probably not very wide of the mark,—that something like a fourth of that thousand millions of property was represented by the Members of the Institution whom he was addressing. Surveyors had, therefore, some right to speak, and to speak with authority on the subject, if there was any truth in that Virgilian maxim, that every man is to be credited in his own Art.

In order to make the subject clear, it was very desirable to understand, at the outset, what tenant-right really was, the basis upon which it rested, and the object and purpose it was intended to subserve. It would, he thought, be agreed on all hands that the first recognition of the

principle of tenant-right was given under the old custom of "emblemments." The word itself, which was from the French, pretty well bespoke its antiquity. The principle of emblemments was probably well known in this country at or before the Norman Conquest. It was also, he believed, a fact, as mentioned by Mr. SQUAREY, that by the common law of the country, the right of emblemments attached not only to tenancies of an uncertain duration—that was to say of life estates—but also to tenancies at will, and was, no doubt, a rude attempt to do a sort of rough justice, in the absence of more specific regulations, and went upon the very sound and equitable principle that persons who had expended their labour in preparing, manuring, and sowing a crop should reap the profit of it. Subsequently, and in recent times, partly by custom, by local usage, and by mutual contract, tenant-right had been extended to other subjects, and there was no doubt that it was recognized by the common law that a man who expended labour, seed, and manures in the cultivation of his land for the benefit of his successor, had a right to recover the value of them. A gentleman who spoke at the last Meeting said that in the county of Northumberland, no tenant-right existed. That appeared to him at the time as being an extraordinary statement, and he asked him whether, in the case of a tenant leaving at Lady Day, he would not be entitled to be paid for the seed and for the labour of sowing wheat in the previous autumn, and also for the labour of fallowing; and he admitted that he would. That was neither more nor less than tenant-right, as ordinarily understood. Tenant-right, properly, was a compensation to every occupier for all acts of husbandry done, in the ordinary cultivation of a farm, for the benefit of his successor, of which, by the termination of his tenancy, he was not allowed to reap the benefit; and, before the days of modern high

arming and greatly increased expenditure on the land, and while the soil was manured merely from its own produce, that kind of tenant-right very fairly represented the interest of the outgoer. It was with the introduction of the modern system of high farming that the difficulties of tenant-right arose, and made it necessary to greatly extend and amplify those small allowances, which in earlier and ruder times were probably quite sufficient to meet the justice of the case. Again, modern farming had done that which the farming of remoter times had not done; it had added those elements of fertility over and above the natural powers of the soil, which are called "condition," and for which, being the creation of the tenant, he had an undoubted right to be compensated; and it was for that reason that the allowance for manures, and for cake purchased, by which this increased fertility had been created, was fairly and justly made. Although customs and usages varied in different parts of the country, they had, in every case, hardened into law, and were perfectly recoverable by the outgoing tenant. He mentioned this, because there appeared to be an impression in the mind of a gentleman who spoke on a previous occasion, that the custom of tenant-right not being what, in law, was called immemorial, it was very doubtful, in many cases, if a tenant could recover. It was perfectly clear, he thought, that it was not necessary to establish an ancient and immemorial custom, the common usage of the neighbourhood, or even of the estate, being quite sufficient to make it legal. So long as claims for tenant-right were confined to acts done and expenses incurred for the benefit of a successor, and so long as there were substantial results for the outlay, no payment could be more just or reasonable than that to which an outgoing tenant was entitled. In the tenant-right of Lincolnshire, with the particulars of which Mr.

MARTIN had favoured the Institution*, was to be seen an example (far better than any *à priori* argument), showing how, by mutual agreement, and by means of those usages which had grown up from time to time, and had hardened into absolute rights, all the reasonable claims of an outgoing tenant could be fully and satisfactorily met. There could be no better test of the value and sufficiency of the Lincolnshire allowances than was afforded by the farming of that county. Looking at Mr. MARTIN's paper, it seemed to him that there was a good deal of elasticity in Lincolnshire customs, which had been enlarged of late years, and, in some respects, more largely than he thought reasonable and proper; but notwithstanding this, his opinion of Lincolnshire farming was so high, and his respect for Lincolnshire tenants so great, that he was loth to find fault with any system which they had established, and which had produced such successful results. He observed that Mr. MARTIN allowed for lime on a seven years' principle. His impression was that the allowance used to be limited to three years, which he thought sufficient.

Mr. MARTIN: Five years.

The PRESIDENT: In the same way the allowance for under-draining, which used to be five years, had been extended from five to seven, and from seven to ten years. He understood also from Mr. MARTIN that these allowances for draining were invariably made, whether the work was done with or without the consent of the landlord,—a system which seemed to be an undesirable one. No landlord should be liable to pay for draining of which he had not approved.

* See page 126.

Although Lincolnshire had succeeded in establishing a very liberal and very sufficient tenant-right, as evinced by its results, there were other parts of the country in which it was said there was virtually no tenant-right at all, or at least a tenant-right inadequate to the requirements of good farming; and, rightly or wrongly, there had grown up a very general opinion that tenants had not the encouragement and security which they ought to have, and that the progress of agriculture was, in some respects, hindered, from want of some legislative enactment. He had himself very little faith in legislative enactments to assist people in the conduct of their own business, who were perfectly free to make their own arrangements. At the same time, it must be admitted, if it could be shown that, either by reason of any existing law, agriculture was obstructed, or that by means of some new law, its progress could be greatly promoted, the subject would fairly fall within the scope of legislation. Whether that was so, was a matter on which very different opinions existed; but if it were, no doubt Parliament would be perfectly justified in dealing with a subject which, in that case, would be one of national importance. The feeling which he had mentioned as pervading the public mind, took a definite shape last year, in the introduction of a Bill into Parliament by Messrs. HOWARD and READ. That Bill had been frequently referred to in the course of the discussion, and afforded a very convenient mode of considering the subject by dividing the various claims into different categories. The feature of that Bill which had attracted most attention, was the 12th clause,—a clause which enacted that no tenant should be able to contract himself out of the provisions of the Act; in fact, doing away entirely with that freedom of contract, and perfect liberty to make their own arrangements, which ought to be the foundation of all business relations between man and man.

Another clause in the Bill, which seemed to him to be particularly objectionable, was the 11th, which gave a right of on-stand or possession to a tenant, until the amount of his valuation, whatever it might be, had been actually paid. He could not imagine any regulation more obnoxious or more unnecessary from every point of view. Such a right would be a perfect bar and stop to all cultivation, and without being of the least advantage to the outgoing tenant, would harass and seriously injure the in-comer. Surely, if it were proposed to legislate at all with reference to the matter, it would be far more effectual and direct to make the amount due to the outgoing tenant a charge upon the land itself, and give the tenant a summary mode of recovering it.

He did not think it would be a useful occupation of the time of the Meeting to attempt to summarize the opinions which had been expressed by various Members, since the Institution, as such, was not answerable for their opinions as individuals. He might, however, for a moment, refer to what appeared to him to be the salient points upon which the discussion had mainly turned. First, was or was not any legislation on the subject desirable? A gentleman for whom he had the highest respect (Mr. CLUTTON), gave it as the result of his great experience and sound judgment that legislation was not required to any extent, and that every object which it was sought by legislation to achieve, could be as well secured by means of the existing system, whereby every man was free to make his own contract, according to his own views of his own interest. No doubt a few of the speakers had dissented somewhat from that view, but the general feeling tended very much in that direction. Then, assuming legislation to be at all desirable, the question arose, to what ought it to be limited? The first part of the Bill related to temporary improvements—to operations, in fact, of a kind

ordinarily considered as tenant-right, viz., labour, manures, and seed used in the ordinary cultivation of the farm. Legislation in that respect certainly seemed to be hardly necessary. These allowances were now pretty well established by custom, and, except so far as related to allowances for bought manure and for cake, he believed every claim under the head of temporary improvements was already legally recoverable by any outgoing tenant in any part of the country. As to the so-called durable improvements which formed the second class of claims, the general opinion of the speakers seemed to be that, as those improvements were distinct from matters connected with ordinary acts of cultivation, and therefore were not strictly and properly what was understood as tenant-right, the landlord's consent ought in all cases to be obtained before he was called upon to pay for them; and he must say that he thought it only fair and reasonable that he should be so consulted, and also that an estimate and statement should be made out beforehand, enabling him to understand to what extent he was to be made liable.

As regarded permanent improvements, there had, he thought, been an almost unanimous opinion that they ought not to form part of any scheme of legislation. Permanent improvements in this country had been hitherto effected mainly, he might say almost exclusively, by the landlord; and it was altogether an erroneous assumption to suppose that a tenant farmer was generally very desirous to take works of the kind out of the landlord's hands. In a not inconsiderable practice of thirty years he could not call to mind a single case where a tenant farmer had ever asked for an agreement, to enable him to be repaid for any permanent improvements which he proposed to make. The difficulty had always been the other way. The assumption seemed to be that tenant farmers were, as a rule, men of large and

surplus capital beyond the requirements of their farms, full of exuberant zeal, and extremely desirous to effect permanent improvements on their holdings. That might be an ideal tenant, but certainly it was not the ordinary kind of tenant with whom his dealings had brought him into connection. The tenants whom he had known were altogether of a different class, not by any means overdone with capital, and, indeed, sometimes lamentably deficient, and certainly not eager or zealous to spend what they had in improving the property of their landlords. There was another and a very different side indeed to that question, as evidenced by his own experience. He had found that for every case of a tenant who had expended his capital in improvements of his landlord's property for which he had not had most ample compensation, there were at least fifty who lamentably failed to maintain, in their full efficiency, the improvements which had been made at their landlord's cost. That was his experience, and he referred others to their own, to say whether it fairly represented the facts or not.

As to whether it was desirable that ordinary tenant-right should be established by Act of Parliament, it seemed to him that there was much to be said on both sides of the question. Strongly as he condemned the proposition, limiting freedom of contract, there did seem to him to be some reason in the proposal, that where landlords did not choose to make any bargain, or to have any agreement with their tenants, the Legislature should step in and say, "Make your own agreements, if you please; but if you do not choose to do so, then, as it is for the interest of the nation that reasonable tenant-right should be established, and that agriculture should not be hindered because you choose to be indifferent to your own interests, the State will make an agreement for you." If anything were required to justify that course, an analogy would be found in the law of testa-

mentary disposition. Happily, the law of the country gave power to every man to dispose of his property as he pleased, and, considering the anxiety and labour which men endured to acquire property, one would suppose they would be extremely careful as to the disposal of it, yet, a vast number of people died without making any disposition; and the law, therefore, said very fairly, "You may dispose of your property as you please, but if you do not please to make any disposition of it, then a distribution shall be made for you." He did not see any unfairness in applying the same rule to the relations of landlord and tenant, and while he would leave both perfectly free to make their own arrangements (for in that, in his opinion, consisted the best solution of the question), he did not see why, in the absence of an agreement, there should not be a simple enactment giving effect to a reasonable and well-considered tenant-right, and also defining a point which in some respects was doubtful, viz.: who was really liable to an outgoing tenant for his tenant-right. He admitted that, in practice, the question did not often arise, but there had been cases of the kind, and it seemed to him to be a very doubtful point, in the event of there being no incoming tenant, how far the outgoer would have a right of action against his landlord for any claims constituting tenant-right. It was a point upon which there ought to be no doubt whatever; and an outgoing tenant should be in a position to look to his landlord for payment of those claims which he was entitled to as a tenant upon the property.

Another matter which had been discussed was the question of notice to quit, whether it should be a six months, as was now the case, or a twelve months' notice. There were various and conflicting considerations to be taken into account before coming to a conclusion on this point. He himself agreed with the view very generally

expressed that there was very little advantage in extending the six months' notice, while there were some manifest disadvantages. His own opinion was that so soon as it was determined that a landlord and tenant should part, the sooner that operation was carried into effect the better for both. To lengthen the notice seemed to be entirely contrary to the principle upon which the whole question of tenant-right was advocated, namely, that it was desirable to establish such a system as should induce and make it the interest of the tenant to improve his land to the end of his term. Of course, the only effect of a longer notice would be that the tenant would have a longer interval, which he would employ, not increasing the fertility of his land, but in exhausting it as far as he could do so within the limit of his term. At the same time he must admit that there was much force in the considerations urged on the other side, namely, that it was hard that a tenant taking a farm, investing his whole capital in it, planting his home and concentrating there the whole business and object of his life, should, within the space of six months, owing, say to the death of his landlord or to some other cause, be called upon to break up the home which he had established, and seek a new one elsewhere—not always easy to find. The question really was whether consideration for the feelings and for the interest of the tenant farmers as a body, fairly outweighed the disadvantage which undoubtedly would accrue from the further exhaustion of the land by extending the term of notice. He was inclined to think that a twelve months' notice was not an unreasonable request for a tenant farmer to make, considering the large amount of capital which, in these days, he had to put upon the land. At the same time he gave full weight to the considerations which lay on the other side.

He would now pass on to consider what, in the event of

any legislation being attempted, the nature of that legislation should be. In the first place, it must contain no such clause as the 12th clause of Messrs. HOWARD and READ's Bill, which was, he observed, omitted from a Bill drawn and circulated under the auspices of the Central Chamber of Agriculture. It was a matter of surprise to him that gentlemen of such high intelligence as Mr. HOWARD and Mr. READ should have proposed a clause which, in his opinion, violated every economical law and was contrary to the principles of justice and common sense. It was really treating the English land-owner more harshly than, in the Irish Land Bill, the Irish landlord himself was treated, which was saying a good deal. It would be remembered that in the Irish Land Bill the power which prevented a man from contracting himself out of the provisions of the Bill was limited to farms under £50 a year. Whether that was from a consideration that the tenant under £50 was a man so weak and ignorant as not to be able to take care of himself he did not know; at all events it did not extend, even in Ireland, to a tenancy of over £50 a year, and yet in England it was proposed to apply it to all tenancies whatever.

Returning to the question of temporary improvements—which, as he said before, were the ordinary claims for tenant-right under another name—he did not see why, in the absence of any agreement between landlord and tenant, there should not be a simple Act giving a tenant a right to those allowances (with some qualifications) which were now recognized in Lincolnshire, but this only in cases where people did not choose to make agreements for themselves. As to durable improvements, it should be an essential feature of legislation that no improvements of that kind should be done by a tenant without the consent of and by arrangement with his landlord. It was putting too great a

power into the hands of a tenant to authorize him to perform such considerable operations as draining, claying, and marling at his own discretion, but not at his own risk. The risk was the landlord's. Marling and draining, for instance, was, in Lincolnshire, an established tenant-right, and one could quite understand that a very large outlay, not always judiciously, might be made by a young and inexperienced tenant in those operations, which he could at any moment, by a simple notice to quit, call upon the landlord to pay. All improvements not pertaining to ordinary cultivation should be the subject of mutual agreement and consent, and, where consent was necessary, any legislation was superfluous.

Permanent improvements ought to have no place in any Act of Parliament, nor could he see on what principle the improvement of property should be taken out of the hands of a landlord who had a permanent interest in it, and given to a tenant who had, at all events, a much less permanent, and in many respects a merely temporary and casual interest. Who could have greater inducements to improve his estate than the owner himself? And who was more likely to make improvements effectually? Moreover, landlords, as a rule (although of course there were exceptions), were more likely than their tenants to have spare capital for the purpose, and, even assuming that they had not more capital at their command, they were in a better position to borrow money on advantageous terms, recent legislation enabling them to obtain it on the security of the land itself for every kind of permanent improvements mentioned in the Bill. Any further legislation should, he thought, go upon existing lines, and if the present powers of the Lands Improvement Companies Acts did not reach every species of improvement, the proper course was to extend those powers, and not to call upon the tenant to do what it was alike the interest and the duty of the land-

lord to do for himself. It was altogether delusive and unreasonable to expect a tenant to invest his money in improvements of a permanent character. By employing his capital in the cultivation of land, which was his proper business, he expected to make an ordinary farming profit; true it was not a very great one, let it be put, for argument's sake, at seven or eight per cent. The landlord was perfectly content if he realized five per cent. for his outlay. Why, then, should it be supposed, or expected, that a tenant farmer should invest his money in an outlay which would yield him a less rate of interest than he could get from the ordinary working of his farm? Although he had himself very little expectation of much benefit from legislation, but every expectation that to leave tenants and landlords, as heretofore, to make their own arrangements, would be the most effective means of further improving agriculture, yet there were points connected with the relations of landlords and tenants on which he thought legislation to be desirable, partly to undo and remove an injustice which now existed, and partly to supply what he thought was wanting towards the improvement of those relations. First as to the law as it stood with regard to buildings and fixtures. At present, an occupier of land was under an exceptional disadvantage with regard to his right to take down and remove any building which he might have put upon his land without his landlord's consent. The law allowed persons in trade to remove structures which they had put up for the purposes of their business, but it drew a distinction between trade fixtures and agricultural fixtures, the ground of which was not easy to comprehend. It was, however, plain law that a farmer had not the power to remove any buildings or fixtures which he had erected in or upon the ground, a state of things for which there was no justification whatever; and it was most desirable that there should be legislation to correct the presumption of the common law in

that respect. True, a tenant might at present remove such fixtures with the consent of his landlord, but there might be, and there often were, cases when that consent was difficult or impossible to obtain, and the tenant was liable to flagrant injustice. No doubt it would be unreasonable that a landlord should be called upon to pay for any building which a tenant might choose, in the exercise of his own judgment, to erect ; but there could be no valid reason why a tenant should not have the power to remove buildings provided at his own cost. If a tenant built without consent, let the risk be his ; and if the buildings represented a useful and judicious expenditure the probability was that they would be paid for by the landlord.

Mr. T. M. GEPP pointed out that fixtures put upon blocks might be removed.

The PRESIDENT said he referred to brick buildings, or buildings upon a brick foundation fixed in or upon the ground. Of course, if the tenant took the precaution of putting in a wooden foundation, the case was different. But why, it might be asked, should such subtleties be used against a tenant when the principle of equity was plain, that what a tenant had built at his own cost he ought to have the power to remove, if the landlord did not think it worth while to pay for it ?

As to tenant's liabilities to the landlord as matters now stood, he agreed with Mr. BEAUMONT, that the expectation of recovering any adequate sum for dilapidations arising from the negligence of a tenant was entirely delusive. There might be, and no doubt there were reasons for it, and probably one might be that these dilapidations were, for the most part, assessed by gentlemen who were generally farmers and appointed by the tenant farmers themselves.

These gentlemen, in case of a difference, appointed an umpire, who was also, commonly, a tenant farmer, and the landlord's interest frequently suffered accordingly. This ought to be borne in mind, when they heard the landlords occasionally spoken of as a grasping and hard-hearted race; ready to take advantage of a tenant's improvements. The accusation seemed very unjust in face of the fact that landlords had been, for long periods, perfectly content to leave the question of both tenant-right and dilapidations to the decision, for the most part, of tenant farmers themselves,—men, at all events, whose sympathies would be more likely to run in favour of their own class than of the landlord.

He certainly felt that, while the tenant ought to be fully protected in regard to a just and liberal tenant-right, the landlord also greatly needed protection from the tenant who neglected to maintain his land, his fences, and his buildings in a proper state of cultivation and repair, or who exhausted his land by overcropping. It was quite impossible, at present, to get any adequate compensation for neglect of the kind; and there could be no reason, in justice, why the tenant receiving what was due to himself, should not be compelled to maintain the property of the landlord in the good and efficient condition in which it was when placed in his hands.

He observed that in the clauses of Messrs. HOWARD and READ's Bill relating to arbitration,—which were substantially repeated in the Bill of the Central Chamber of Agriculture,—there was some alteration in respect of the mode by which the dilapidations and the tenant-right on farms were to be assessed, viz., that in the event of the two valuers appointed (one by the incoming and one by the outgoing tenant) not agreeing, an umpire was to be nominated by the Inclosure Commissioners. He thought that a very great improvement, and had often felt that there should be some power of

calling in a perfectly impartial person, unconnected either with landlord or tenant, to judge and decide, in the last resort, upon questions of this description.

There were one or two general observations which he would add. One was with reference to a remark of Lord DERBY's, which had often been quoted, and was frequently discussed as giving countenance and support to the agitation now prevailing with regard to the extension of tenant-right. Lord DERBY, in a speech at Liverpool, was said to have declared his conviction that the produce of the land in England might, with increased capital and under proper regulations, be doubled. The statement had been, to some extent, supported by some observations of Lord LEICESTER, and was often advanced as a proof, on high authority, of an absolute necessity for altering in some way the relations of landlord and tenant, in order to facilitate that desirable result. Any opinion of Lord DERBY's was entitled to the highest respect; but, probably, the exact meaning and point of his observation was rather missed by its brevity,—for he could not believe that Lord DERBY would seriously contend that, as regards a large portion of the lands in England, the produce could, under any conceivable circumstances, be doubled. To take, for example, the corn-growing district of the East of England, of Lincolnshire, Suffolk, Cambridge, and Norfolk. There were no known means, he believed, by which the produce of that land could either be doubled or added to to the extent of even twenty per cent. Assuming, however, the statement to be true as regarded some of the strong, cold, and more backward lands in the north and west (with which Lord DERBY was, probably, more familiar), there was the further point to be considered, that the question with the farmer, and with the landlord too, was not whether the gross produce of land could be doubled, but whether the cost of securing that result would yield any

profit. It was not a question only of gross produce, but of how the largest amount of produce could be obtained at the least possible expense.

There were those who complained that the land of England failed to attract the capital which flowed so abundantly into so many other and, it was said, less profitable channels, and who wondered why it was so? In his opinion, there was but one simple answer, and that was that it did not pay. Taking the case of the landlord, few persons got so small a return for their capital as he did from his land. The same observation would apply, on the whole, to the cultivator. He doubted whether there was in any pursuit in life in which so large a capital was embarked for so little profit as that of the tenant farmers of England. It was certainly unreasonable on the part of the public to insist on the absolute duty of increasing the produce of land, irrespective of the financial aspects of the case. Agriculture was now thrown open to the competition of the whole world, and it was unreasonable to expect incompatible advantages. The English people had the power, and very rightly, of purchasing wheat in any part of the world, and could now obtain it from foreign markets at forty shillings a quarter. It was hardly fair, under these circumstances, to insist that a tenant farmer and a land-owner should spend their money simply to double the production of wheat at a price which did not pay them. Agriculture, for the last few years, had been, no doubt, in a very unsatisfactory condition in respect to the capital employed upon it, owing partly to the introduction of foreign corn, which, although productive to the nation of great benefit, had placed agriculture, for the moment, in a position of very considerable difficulty, while undergoing the always trying process of economical adjustment.

In many parts of the country, the real question for the landlord, and for the tenant also, to consider, was not how much more wheat could be grown, but in what cases and how soon they could cease to grow wheat at all, and apply the land, in the shape of pasture, to that species of production which, involving less expenses, would yield larger profit. In conclusion, he might be allowed to state that he had endeavoured, in the remarks he had ventured to make, to look fairly at all sides of the question. Of course every one was liable to be biassed by his pursuits, and by the circumstances and the accidents of his life, and it might be that he himself did not take such a perfectly impartial view as it was his earnest desire to take; but he ought to say, in justice to himself, that his position ought to protect him from undue bias and partiality. He was himself, and had been for many years, a considerable tenant farmer, and his interests, and his sympathies also, were with the tenant farmers, in all questions which affected them. On the other hand, he occupied land of his own, and therefore could regard the question from an owner's point of view. If legislation were resorted to—and on the whole he thought it desirable that it should be resorted to, within the limits which he had indicated—he trusted that it would be of such a character as would extend and improve the agriculture of England, of which there was so much reason to be proud, and that while doing this, it would also ensure the most perfect justice alike to both landlord and tenant.

The PRESIDENT said he extremely regretted that Mr. KNOLLYS was prevented, by illness, from being present to reply to the observations which had been made upon his Paper in the course of the long discussion which it had

inaugurated. He was sure he expressed the opinion of every Member of the Institution, when he said that they all felt deeply indebted to Mr. KNOLLYS for the introduction of the subject, and for the able Paper in which he had embodied his views with regard to so important a question.

The Meeting then adjourned.

THE
RATING OF COUNTRY MANSIONS.

By E. RYDE, MEMBER.

*Read at the Ordinary General Meeting of the INSTITUTION OF SURVEYORS,
March 1st, 1875.*

ROBERT COLLIER DRIVER, MEMBER, IN THE CHAIR.

THIS Paper is contributed to the Transactions of the Institution under a conviction that much misapprehension exists as to the amount at which country mansions and their appurtenances ought, in fairness, to be rated under the present law; and with a knowledge that such misapprehension creates a great diversity of practice, which often produces disappointment and unpleasant results, some of which, it is feared, amount to a miscarriage of justice.

The present time has been selected as a suitable one for the appearance of such a Paper; "The Rating Act, 1874," being now about to come into operation, and the whole question of local taxation being very much in the minds of men.

Objections to such a Paper have not been wanting, on the grounds that it will give umbrage to landed proprietors, with whom land surveyors should always stand on good terms; but it is believed that such objections are altogether misconceived, as no English gentleman, worthy of the name, desires to escape from his fair share of the local burdens, and no land surveyor of integrity and respectability

ever hesitates to do what is right and just, whenever he is placed in a position of independence to enable him to do so.

It is probable that nothing is so little understood as the subject of rating generally, and yet there is scarcely any subject which possesses so universal an interest. The reasons for this are not difficult of discovery. The matter is a complicated and uninteresting one, and the escape from the difficulty is easily attained by the payment of a small sum of money. Moreover, the tribunals before which appeals are heard are, with a few creditable exceptions, most unsatisfactory and disappointing. The Assessment Committees throughout the country, appointed under "The Union Assessment Committee Act, 1862," are, at the best, judges only in their own cause, inasmuch as the valuation objected to is of their own making. Courts of equity they are, but biassed in favour of maintaining their own work, and impressed with a conviction of defeat if they are ever compelled to give such relief to an objector as he deems just.

Courts of Quarter Sessions are, as a rule, equally unsatisfactory. In the conduct of the proceedings very much depends upon the chairman; and, unless he is a man of experience and judgment, which is not always the case, very great disappointment, and sometimes gross injustice, is the result of most expensive litigation.

The present subject for discussion must be looked at calmly, fairly, and with a perfect knowledge of the law and practice bearing upon it. As an Institution of practical men, we should be able to distinguish, with great exactness, that which is wrong in practice from that which is right; and, certainly, we ought to be able to say whether the present state of the law, so far as it bears upon our subject, is, or is not, such as is requisite to promote fairness between the classes of ratepayers now under review, and all other

classes ; and whether, if injustice be sometimes done, the remedy is to be found in an amendment or an exposition of the existing law. Every endeavour will be made to lay the subject clearly and fairly before the Institution ; and the discussion which is to follow, can scarcely fail to elicit everything which is to be urged in favour of every view which the question admits of.

Applications have been made, from more than one quarter, that the Paper should embrace the subjects dealt with in "The Rating Act, 1874," but it has not been found possible to comply with the request. To do so would be to alter entirely the character and object of the Paper, and to divert it from that one special direction in which it is desired that it shall be concentrated. Nevertheless, "The Rating Act, 1874," will come in for its full share of attention, inasmuch as the rating of woods, timber, sporting, fishing, and such-like amenities to a mansion must, necessarily, be included in the review which has to be taken of the subject.

The basis of all our rating law is the Act of the 43rd of Elizabeth, chapter 2, entitled "An Act for the Reliefe of the Poore."

For the lengthened period of 273 years this excellent Act was never amended, but continued to be the text and book of reference for all descriptions of parochial assessments. Expounded and explained no doubt it has been by numerous judgments in the courts of law, but it was not until the passing of "The Rating Act, 1874," that any portion of it was repealed, and so small was the portion so repealed, and so far is the re-enactment from making clearer that which was repealed, that it is probably to be regretted on those grounds, apart from the antiquity of the original, that the original statute was disturbed. The repeal relates to the rating of saleable underwoods, which will be referred to hereafter in its proper place.

The Act of Elizabeth enacts that—

“ The churchwardens of every parish, and foure,
 “ three, or two substantiall householders there, as
 “ shall be thought meete, having respect to the
 “ proportion and greatnesse of the same parish and
 “ parishes, to bee nominated yeerely in Easter weeke,
 “ or within one moneth after Easter, under the hand
 “ and seale of two or more Justices of the Peace
 “ in the same county, whereof one to bee of the
 “ quorum, dwelling in or neere the same parish or
 “ division, where the same parish doth lye, shall bee
 “ called overseers of the poore of the same parish, and
 “ they, or the greater part of them, shall take order
 “ from time to time, by, and with the consent of
 “ two or more such Justices of the Peace, as is
 “ aforesaid, for setting to worke of the children of all
 “ such whose parents shall not by the sayd Church-
 “ wardens, and Overseers, or the greater part of them,
 “ bee thought able to keepe and maintaine their
 “ children. And also for setting to worke all such
 “ persons married or unmarried, having no meanes to
 “ maintaine them, use no ordinary and daily trade of
 “ life to get their living by, and also to raise weekly
 “ or otherwise (by taxation of every inhabitant,
 “ parson, vicar, and other, and of every occupier of
 “ landes, houses, tithes impropriate, or propriations of
 “ tithes, colemines, or saleable underwoods in the said
 “ parish, in such competent summe and summes of
 “ money, as they shal thinke fit) a convenient stocke of
 “ flaxe, hempe, wooll, threed, iron, and other necessary
 “ ware and stuffe to set the poore on worke, and also
 “ competent summes of money, for, and towards the
 “ necessary reliefe of the lame, impotent, old, blind,
 “ and such other among them being poore, and not

“able to worke, and also for the putting out of such
 “children to bee apprentices, to be gathered out of
 “the same parish, according to the abilitie of the
 “same parish, and to doe, and execute all other
 “things as wel for the disposing of the said stocke
 “as other wise concerning the premisses, as to
 “them shal seeme convenient.”

Another section in the Act, provides for an appeal in the following words—

“Provided alwayes, that if any person or persons, shal
 “find themselves grieved with any sesse or taxe, or
 “other acte done by the sayd churchwardens, and
 “other persons, or by the sayd Justices of Peace, that
 “then it shall be lawfull for the Justices of Peace at
 “their generall quarter sessions, or the greater num-
 “ber of them, to take such order therein, as to them
 “shall be thought convenient, and the same to con-
 “clude and binde all the sayd parties.”

Such being the Act of Elizabeth, it will be seen that every inhabitant, and every occupier of lands and houses, was to contribute to the local taxation of the parish. It is not necessary in this Paper to refer to any other description of property. This is a Paper on rating houses and their appurtenances. There is no exception in favour of a house occupied by one of a select and limited class, to the injury of the more numerous and more humble classes. The churchwardens and overseers are to raise by fair, equal, and just taxation, such sums of money as they require for the purposes of their office.

It is quite unnecessary to follow this statute in its working throughout the long series of years in which it continued to be the only text book of rating practice. In 1832 we have a legal record of the practice which prevailed under it.

In the judgment delivered in the Court of Queen's

Bench in the case of *The King v. Adames* (4 B. & Ad. 67), it is declared that the following rule of rating is established, viz.:—"All lands are to be assessed in proportion to the net rent which a tenant at rack rent would pay, he discharging all rates, charges, and outgoings."

In that same judgment, the following ruling will also be found, viz.:—"The rate should be imposed according to some value of the subject-matter of the occupation. Usage and convenience have established this value to be, not that of the estate or property itself, but that of the profit which is or might be made from the estate or property; and the rule has been to assess according to the annual profit of the land, or, where the produce is not matured in one year, then upon an average of years; from which profit deductions are allowed for all the expenses necessary to its production."

If the subject of occupation be of a perishable nature, or require an annual expense to secure its existence, an allowance ought to be made on this account, (for the total annual profit is not the net annual profit,)—a part must be set aside for the restoration and maintenance of the subject of occupation.

This judgment having been delivered in 1832, we next find its principles embodied in 6 & 7 Wm. IV., c. 96, "The Act to regulate Parochial Assessments," which received the Royal Assent 19th August, 1836, and under an Order of the Poor Law Commissioners, dated 22nd June, 1837, came into operation the 29th September, 1837. The writer of this Paper has a very lively recollection of that same 22nd June, 1837, as it was the day on which he entered the office of the late Mr. JAMES MARTIN SANDERSON, as an articled pupil, and on the 20th November, 1837, he commenced his first survey of a parish under that Act,—the parish of Walton-on-Thames, in the county of Surrey.

This statute declared that "from and after a period, to be

directed by the Poor Law Commissioners after the 21st March, 1837, no rate, for the relief of the poor in England and Wales, shall be allowed by any justices, or be of any force, which shall not be made upon an estimate of the net annual value of the several hereditaments rated thereunto; that is to say,—of the rent at which the same might reasonably be expected to let from year to year, free of all usual tenant's rates and taxes, and tithe commutation rent-charge, (if any,) and deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses, if any, necessary to maintain them in a state to command such rent: Provided always, that nothing herein contained shall be construed to alter or affect the principles, or different relative liabilities (if any), according to which different kinds of hereditaments are now by law rateable."

The term "gross estimated rental" appears in the text of the Act at the end of section 2, but that of "rateable value" is not mentioned, except in the schedule relating to the form of rate; nevertheless it is important, on the present occasion, to have a clear understanding of the meaning of those terms, and to keep them continually in mind throughout the discussion which is to follow. Briefly, gross estimated rental is that rent which a tenant might be expected to pay, under conditions which throw the obligations to repair and insure upon the landlord. Net rent is that rent which a tenant would pay if in addition to such rent, he had annually to provide such a sum as, on an average of years, would insure and repair the hereditament, and renew the perishable parts of it, from time to time, as they decayed, or became unequal to the task of maintaining the hereditament in a state to command the rent.

The Poor Law Commissioners, in a circular which they published soon after the passing of the Parochial Assessment Act, explained and defined gross estimated rental as

the rent which a tenant would pay if his landlord did all necessary repairs and paid the insurance, and if the property were free from all tenant's rates and taxes. It is not necessary at this time to stay to explain how this error was subsequently corrected. It is sufficient to say that the language of the Parochial Assessment Act was held to mean that the rent, and not the property, should be free from all usual tenant's rates and taxes; or, in other words, that the tenant should be assumed to pay all tenant's rates and taxes, and tithe commutation rent-charge (if any), and that the gross estimated rental should be that rent which he might reasonably be expected to pay to a landlord, who himself did all repairs, and paid the insurance. "The Union Assessment Committee Act, 1862" (25 & 26 Vict., c. 103), defined gross estimated rental to be the rent at which the hereditament might reasonably be expected to let from year to year, free of all usual tenant's rates and taxes, and tithe commutation rent-charge (if any); but it also provided that nothing contained in the Act should repeal or interfere with the provisions contained in the first section of the Act 6 & 7 Wm. IV., c. 96, defining the net annual value of the hereditament to be rated.

Some surveyors were obtuse enough to think that this enactment did not materially simplify or explain the Act of 1836.

In "The Valuation (Metropolis) Act, 1869," in the interpretation clause, gross estimated rental, under the altered term, "gross value," is defined as "the annual rent which a tenant might reasonably be expected, taking one year with another, to pay for an hereditament, if the tenant undertook to pay all usual tenant's rates and taxes, and tithe commutation rent-charge (if any), and if the landlord undertook to bear the cost of the repairs and insurance, and

the other expenses (if any) necessary to maintain the hereditament in a state to command that rent."

The term "rateable value" is defined in that Act to mean the gross value, after deducting therefrom the probable annual average cost of the repairs, insurance, and other expenses, as aforesaid. One illustration will suffice to show the application of this principle to the rating of houses.

If a tenant may reasonably be expected to pay £100 a year as rent for a house, in addition to paying the usual tenant's rates and taxes, then £100 is the gross estimated rental of that house, for the purposes of the Parochial Assessment Act. Again, if the landlord's average outgoings in insurance and repairs amount to £20 per annum, so that only £80 a year goes out, on an average, into his pocket, then £80 is the rateable value of the house.

As regards the allowance in respect of insurance, it must be made whether the owner of the house insures or not. The statute provides that allowance shall be made for every expense necessary to be incurred to maintain the hereditament in a state to command such rent. Obviously, therefore, the premium payable to insure the hereditament against fire, is one of the first allowances to be made, and whether the hereditament be a powder manufactory, a linoleum works, a railway station, a gas works, a Crystal Palace, or any other property on which insurance companies are accustomed to look with disfavour, and for the insurance of which they would charge a large premium, such premium must nevertheless be allowed in full, and until such an allowance has been made the rateable value of the hereditament has not been ascertained. Concerning the repairs it is scarcely necessary to supplement the words of the Act. The allowance to be made is not the actual cost in any particular year, such as the expense which should be

incurred about every seven years, in the painting and general reparation of a house outside and inside, or that which occurs more frequently, and includes outside painting only; but it is the average annual cost of the repairs which is to be brought into the account, and deducted from the gross estimated rental.

In addition to the average annual cost of the repairs and insurance, the Act provides for the allowance of other expenses (if any) necessary to maintain the hereditament in a state to command the rent.

Houses and buildings decay with age, so that the only way in which they can be maintained in a state to command the rent, is to put by annually such a sum of money as, accumulated at compound interest, will amount to the sum necessary to renew the buildings at the end of their natural life. This annual sinking fund has been sanctioned on more than one occasion by the judgment of the Court of Queen's Bench. In the case of *The Queen v. Wells* (2 *L. R.*, *Q. B.*, 542), Chief Justice COCKBURN said—"Farm buildings and machinery are, by the effects of the weather, and of wear and tear, reducible to a state which will render them unworthy of repair, and necessitates their reconstruction." They cannot, at length, be kept up but at an expense which renders it practically impossible, because not reasonably prudent, to keep them up. Provision made to reconstruct them, involving as it ought to do, a prudential parsimony as respects all but temporary and indispensable repairs, is an expense which may properly be included among the expenses necessary to maintain an hereditament, consisting in part of subjects perishable, in a state fit to command the rent, and which it does, in fact, while standing and in use command. There seems also to be no distinction in principle between a sum annually laid by to make good, when it shall become necessary, an inevitable loss by the destructive

agency of time, and a fund laid by for an indemnity against a loss by fire or storm, or other peril assured against.

Again, in the judgment delivered by Mr. Justice COLERIDGE, on 22nd February, 1851, in the cases of *The Queen v. The London, Brighton, and South Coast Railway Company*, *The Queen v. The South Eastern Railway Company*, and *The Queen v. The Midland Railway Company* (15 Q. B., p. 358), he said :—"The second question submitted to us is on the right to a deduction from the rateable value, in order to countervail the depreciation which takes place in the value of the permanent way, and to maintain it in a state to command the supposed rent, which is the measure of the assessment. As a general principle, we do not understand the respondents to deny that a deduction for the purpose here stated, and as stated, is proper to be made. The objection which they raise to the particular claim of the Company is founded on two circumstances :—first, that the proper provision is already made under a head called 'working expenses,'—in which we do not agree ; secondly, that, if more may be at any time necessary, the necessity has not yet arisen, because the Company has not yet incurred the expense, nor laid by from their receipts any sum to meet it when it shall arise. * * * If the depreciation be, as probably it is, both certain and capable of an annual average, though not proper to be in fact repaired annually, we think it should be met by laying by a certain sum annually ; and that if the Company, in order to swell their dividend or for any other motive, neglect to do so, they act unlawfully in one of two ways ; either they make a dividend which in substance impairs their capital, because they throw a burthen on the latter which ought to be deducted from the former, or they cast the whole burthen of a heavy restoration of the permanent way on the dividend of some future year, to the manifest injury of the then proprietors and for the unfair

benefit of the present body. In such case, too, there may, possibly, arise some difficulty in resisting the claim to be allowed the whole deduction from the rate of the year in which the expense shall be actually incurred, although it would be manifestly unjust to allow it twice over,—first in detail annually, and then in the lump.

“ We have considered this question with much attention, and, upon the whole, we think that the Company are entitled to a deduction on this head. We cannot make a substantial distinction between this and house property or any other of a perishable nature, which must require renewal; and, although we think that the Company ought to set apart the sum which they claim to deduct, we cannot compel them to do so in this indirect way. And we think that, whenever the time shall come for actually making the restoration, they will be estopped from claiming more than that annual deduction which they now insist on,—exactly as a landlord could not claim to deduct the expense of restoration made by him of a house. The rate, therefore, will be amended by reduction, according to calculation made by the Sessions in this respect.”

So far as is necessary for the present purpose the law of rating has been considered. We now proceed to follow the application of the law to practice:—

We will commence with the smallest description of houses—small cottages. These are usually let at weekly rents, and, in country parishes, with which only we are now dealing, the rents will usually vary from 1s. 6d. to 3s. 6d. per week. All that is really required to be done in practice is to estimate the weekly rental value, and, having done so, to consider that the gross estimated rental in pounds per annum, is equal in number to the shillings in two weeks' rent,—that is to say if the weekly rent be 3s. the gross estimated rental value of the cottage will be £6. From

this sum may be allowed 25 per cent. for insurance and repairs, leaving £4 10s. as the rateable value of the cottage.

The method ordinarily adopted in a compensation case, of assuming that the net rent of cottage property is equal to two-thirds of the aggregate of the weekly rents, would make the net rent of the cottage under consideration amount to £5 4s. instead of £4 10s., a comparison which shows each estimate to be a liberal one for its purpose.

The next illustration may be a better class of cottage than the last: one that may not contain more rooms, but those rooms may be a little better and a little larger—such a cottage as may, perhaps, have given rise to the Yorkshire expression, “a cottage house,” and is usually let to a yearly tenant, and has more style about it. Obviously, such a house must be rated higher than the cottage. Probably, £10 gross estimated rental, and £7 10s. rateable value, would be the proper assessment.

Now assume a similar kind of house, but with a greater number of rooms, some of which are also a little larger; and assume it to be placed in a better situation and to have a larger garden. Manifestly the value to the occupier is greater, and the rate must be higher in consequence. If, in comparison with the first two classes of houses, the gross estimated rental of such a house is estimated at £15 and the rateable value at £12, it will probably appear to most minds as fair and equitable.

The allowance for insurance and repairs, which in the first two cases was taken at 25 per cent. of the gross estimated rental, is here taken at 20 per cent. only, because it is obvious that very small cottages cannot be repaired and maintained at as small a per-centage as better houses.

Passing upwards in the scale of value, let us consider a small villa,—one that commands an annual rent from a yearly tenant of £30. It contains, say, two sitting

rooms and a kitchen and scullery on the ground floor, and four bed rooms on the first floor in addition to a small room in the front over the entrance passage. No one can dispute that the gross estimated rental of such a house is £30 ; the rateable value £24. Now observe, that there must be a greater number of houses of the first class than there are of this class, but the ordinary law of supply and demand applies about the same with reference to houses as it does to any other property or commodity, and therefore there are about as many of these houses built as are required. Nevertheless, there is always a greater demand for small houses than for larger ones, because there are more people who can afford to pay small rents than can pay large ones ; but the houses of either of the classes above described are always rated at their value to the occupiers, and with due regard to equality and fairness. Moreover, if one of this class of houses happens to be, as it often does, in the occupation of its owner, who has, for his own personal comfort, erected some small additional accommodation, beyond that which obtains in similar houses in the parish, such a house is always assessed at something extra, in consequence of the addition which it possesses.

Passing from houses of the small villa class to those of a larger one, the rental value is soon doubled, and what was £30 rental in the last illustration soon becomes £60, and that too without appreciably increasing the number of rooms. The ground floor instead of comprising two sitting rooms, kitchen and scullery, affords drawing room, dining room, breakfast room, and kitchen ; the latter being separated a little more carefully from the other rooms, and being provided with a scullery in a lean-to or out-building. The bed rooms are more commodious and lofty, and the room over the entrance hall is large enough for a bed room. The house, too, is more highly decorated, and,

taken altogether, is worth the £60 a year rent, by comparison with the one at £30. Its true and proper gross estimated rental is therefore £60, and its rateable value about £50.

It is hoped that this Paper will not become tedious; but nevertheless it is necessary to build up the argument which is to follow, step by step, commencing at the bottom. The Members, however, will probably follow the reasoning if these steps are made few and far between. So that if from a house of £60 a year we pass to one of £120, it will serve the purpose of an illustration. The valuer must, at this stage, begin to condescend to details. The class of house now under consideration will, probably, have more bed rooms than the former class, and some of those bed rooms will have dressing rooms attached to them. There will also, very likely, be a library as well as a breakfast room, and the servants' offices will be superior. But the difference, so far as drawing room and dining room are concerned, will chiefly be in the dimensions of the rooms, and therefore those dimensions must come into the account. In dealing with two houses of this class, each alike in every respect, except as regards the size of the drawing room and dining room, the house which has these rooms larger than the other must bear the heavier assessment; because it might be reasonably expected to produce a higher rent.

The gross estimated rental of a house of this class being £120, its rateable value would probably be £100; but the deduction for insurance and repairs should in every case be governed by circumstances.

It is worth while to pause for a moment to consider the effect of the addition of a few acres of land upon the value of houses of the last-named class. The owner who is also the occupier of such a house, will often give, for the mere acquisition of a few acres of land around

it, a very large price for the fee simple, or a very high rent for the accommodation of being permitted to rent it. This is assuming it to be mere land, valuable to no one else, except as regards its fertility and usefulness for purposes of agriculture, and intrinsically valuable to the owner of the house only so far as its accommodation value in connection with the house. No farmer's profit will result to him from its occupation with the house, nor any rent; but the veriest beginner in rating valuations would not think of assessing such land at its mere agricultural value. He would rate it as accommodation land attached to the house; or, in any event, he would not dream of rating it below its agricultural value.

But suppose, in addition, that the acquisition of the land in question connected the house with a river, in which there was good fishing or boating, or suppose it provided a cricket ground or a croquet lawn, or contributed in any one of a number of other possible ways to the comfort and enjoyment of the occupants of the house, would it not be universally admitted that the rateable value of such a house is enhanced by the addition of the land, to a greater extent than is represented by the mere agricultural value of the land, and that it is reasonable to expect that a house with such an advantage would let for more than a similar house without such an advantage.

This illustration of the subject should not be entirely passed by without glancing at the notorious fact that lands of no value at all for purposes of agriculture—poor barren heaths, and burning gravelly brows—often sell and let at large prices for the very purpose of being added to dwelling houses and villas. Land which forty years ago was not worth £15 an acre, as fee simple, has since been let at £15 an acre per annum for residential purposes. Four hundred

acres of poor heath land sold in one block for £40,000 to one gentleman, as the site of a house.

Still pursuing the subject by steps, you are now invited to consider the case of a house of more importance than anything which has been previously described,—one of a class of which there are many about the country, especially in the Home Counties, houses which let, and are assessed at sums varying from £250 to £500 per annum. Such houses usually contain the ordinary reception rooms, bed rooms, bath rooms, servants' offices, and sometimes a billiard room. Out of doors there are pleasure grounds, croquet lawns, kitchen gardens, green-houses, pits, and frames; coach-houses, stabling, stable yard, a nondescript farmyard, and some meadow and pasture land, extending sometimes to twenty, sometimes to forty, and even more acres.

These properties are valued in detail; the houses, by comparing the rooms they contain with other rooms in other houses of which the value has been determined, and assessing them accordingly; the pleasure grounds by their area of accommodation land; the gardens by their productive quality and size; and the coach houses and stabling by the amount of accommodation afforded; always bearing in mind that the estimate to be formed is the rent which it might reasonably be expected the property should yield, and that the basis of all rating should be equality and fairness as between all classes of ratepayers.

The scheme followed in this Paper has been to lay an accurate foundation, constructed with sound principles of rating, and to build upon it a superstructure, commencing at the bottom, (where difference of opinion as to value can scarcely exist, or if it does exist, it must necessarily be to a very small extent), and to travel

upwards step by step, increasing the estimate as the properties increase in size and value. This, by a great step, has landed us on the subject for discussion this evening, viz.—“The Rating of Country Mansions.”

Our illustrations hitherto have been hypothetical, but in every instance the pen of the writer has followed the picture of an actual fact, which naturally presented itself in the recesses of his memory, as soon as he gave his mind to think upon the subject.

This wholesome principle will not be departed from in the one paragraph which constitutes the burden of the Paper and the main subject of the discussion which is to follow. The property will be hypothetical, but exactly in accordance with a splendid original. The ratepayer shall be hypothetical, and not one word shall suggest whether he be a peer of the realm, the hereditary inhabitant of one of “The stately homes of England,” or whether he be a capitalist who has amassed a large fortune in trade or commerce; because, for the present purpose, it matters not whether he be the one or the other. The one would probably desire, from natural feelings and cultivation, to bear his fair share of the local burdens; the other might desire to do so from mere ostentation or in proof of the fact that such small matters were quite beneath his notice.

Moreover, the views of surveyors, which may have been expressed on the one side and the other of the present question, shall be hypothetical, and only this one observation shall be made, that it is much to be regretted that the most experienced and competent men are not always called in to assist Assessment Committees in rating country mansions. Sometimes, men are employed for the purpose because they will do it cheaply, and at other times surveyors are employed by reason of their willingness to assist other persons in other ways. But, at all times, the men who are best qualified are

those who can least afford to spare the time necessary for the purpose, at remuneration which the Assessment Committees are willing and able to give.

Lastly, the tribunal which, in the event of dispute, settles the rateable value of such a hereditament as we are about to consider, shall also be hypothetical. A Court of Quarter Sessions it must of necessity be, but whether situated north, south, east or west of London, matters not: nor whether its chairman (upon whom so much depends) be a noble lord whose opinion and judgment any man in England would respect and rely on; or whether he be a practising barrister, whose large experience renders him peculiarly fitted for the position; or whether he be a country gentleman, whose easy circumstances never rendered it necessary for him to exert himself sufficiently in mind or body to come to a sound conclusion upon any question; or whether he be a borough recorder, so badly paid for his services as to render it grotesquely ridiculous to suppose that he either could or would devote much time to the matter.

The illustration is a supposititious country mansion, sufficiently far from London to be well in the country, among rural surroundings, country sports, manners, customs, enjoyments and pleasures; but sufficiently near to London on a main line of railway to be reached in a very few hours. It is situated on a soil eminently and notoriously healthy, in a neighbourhood peculiarly beautiful; surrounded by ten thousand acres of land, in more parishes than one, but all in a ring fence; with excellent shooting, and some of the best fishing in England. Moreover, the whole is to be assumed as in excellent repair, having had nearly eighty thousand pounds spent upon the house and offices in enlarging and improving them, fitting them with every comfort which luxury can suggest, and in bringing them up to, and not beyond—or some of the money need not have

been spent—the wants of a supposititious owner, who is also for the present purpose, the “hypothetical tenant.”

To condescend further into detail. The house contains, on the ground floor, a large entrance hall, a saloon, a drawing room, 50 ft. by 21 ft., a dining room, 40 ft. by 21 ft., two libraries, each 30 ft. by 22 ft., a picture gallery, 80 ft. by 30 ft., a gentleman's room of good dimensions, a billiard room of extra size, a large smoking room, and conservatory.

In a wing of the building is the kitchen, of large dimensions, and all the usual offices suitable to such a house, including six bed rooms for men servants.

On the first floor are nine principal bed and dressing rooms, and boudoir, and in the wing ten bed rooms, besides housekeeper's room and bath rooms.

On the second floor are thirteen bed rooms.

The pleasure grounds comprise lawns, shrubberies, well filled up with stately deciduous trees and flowering and evergreen shrubs, terraces commanding very extensive and diversified views, plantations and woods well filled with ornamental and forest timber, to the extent in the whole of twenty acres.

The kitchen gardens are in area four acres, and include the usual complement of greenhouses, forcing houses, potting sheds, and tool house, with a suitable house for the gardener.

The stabling comprises in the aggregate, loose boxes and stalls for twenty-five horses, four large carriage houses, a riding house, a residence for a stud groom, and also for stablemen, extending the accommodation to fourteen rooms; a fire-engine house, a wheelwright's or carpenter's shop, a very excellent laundry, and accommodation for a number of laundrymaids.

The mansion, pleasure grounds, gardens, and stabling above described are seated in a well-wooded park of several

hundred acres: there is also a home farm homestead and a bailiff's house, in every way worthy of the estate. There is an excellent fishery upon, and fishing in, the river which flows through the estate; waterworks, steam engine and pumps supplying the house with water in its highest rooms, as well as elsewhere; saw mills, brick kilns, gravel pits furnishing an abundant supply of good gravel for the walks and drives, well-made and kept carriage drives and rides over a large tract of forest land, and shooting over the whole estate, both that which is let and that which is in hand.

Suppose, still further, that three thousand acres of this estate, including the house, its appurtenances and amenities, as above described, are rated at £1,500, of which less than half is upon the mansion, pleasure grounds, gardens, and stabling, including the amenities of fishing and shooting; would the latter assessment of £750 bear an unfair comparison with the properties previously set forth in this Paper?

It has been already said that cost has nothing to do with the rateable value. Lord DENMAN said, in his judgment in *The Mile End Old Town Case*, "that the rule of law laid down by Act of Parliament, for ascertaining the rateable value of any subject, refers to an estimate of the rent it should yield. The outlay of capital might furnish no such criterion; since it may have been injudiciously expended, and what was costly may have become useless by subsequent changes;" but our hypothesis in the present case is, that the money recently spent has not been injudiciously expended; that it has not become useless by subsequent changes because it has been so recently laid out, and because its object was to bring the property up to the requirements of the hypothetical tenant and supposititious owner. Neither is it suggested that the rateable value of this country

mansion depends at all upon that expenditure of £80,000; but the effect of spending £80,000 upon any house, must suggest itself to the mind of every practical man in this Institution, and that effect upon the mind, combined with another effect produced by the description of the property hereinbefore sketched out, and compared with the previous illustrations of smaller properties, will serve to show the reasonableness or otherwise of the assessment in question.

Carry the hypothesis further, and assume that the assessment of less than £750 upon the mansion, pleasure grounds, gardens, stabling, and the amenities, was appealed against; that at the Sessions the appeal was allowed, the assessment was reduced to less than £350 rateable value, and the Assessment Committee had to pay the appellant's costs.

If the result of this hypothetical appeal were actually to occur in practice, would it be right for surveyors to be guided by it in the future, or ought they to treat it as a decision given under a misapprehension of the existing law, or a wrong application of law to practice?

Let us, in the first instance, analyse the £750; and in proceeding to do so, let us make the estimate by a process of exhaustion, commencing, for instance, with the stabling, and terminating with the mansion.

	£
Twenty-five stalls and boxes, at £2 . . .	50
Four large coach houses, at £5 . . .	20
Riding house	10
Residences for stud groom and stablemen, say equal to four cottages	20
Fire-engine house	2
Wheelwright's shop	3
Laundry	10
Carried forward	115

	£
Brought forward	115
Gardener's house	10
Four acres of kitchen garden	12
Greenhouses, forcing houses, potting sheds, &c.	20
Twenty acres of pleasure grounds, lawns, &c., at £3	60
Fishing in the river, and shooting over the lands in hand (3,000 acres)	120
Waterworks and water supply	13
Mansion and offices	<i>Nil</i>
	£350

Of course the above is arbitrary, and in the course of the discussion reasons may be shown for making some other apportionment of the £350. We will return to a consideration of the details after we have first examined the reasons which may be advanced in favour of the assessment as a whole.

In the first place, it may have been alleged at the hearing of the hypothetical appeal that such a property could not be expected to let to a tenant for a year at a higher rent, on account of the expense which he would have to incur in the purchase of suitable furniture and effects. Whether such an argument as this influenced our hypothetical court or not, it is assumed that, in this Institution, it is only necessary to refer to it, to show that it has not been overlooked; as such an idea is an utter misconception of the law, and quite unworthy of discussion among practical men. There are numerous properties, the rateability of which is never disputed, which could not reasonably be expected to let for one year only. To take the most simple case—that of a farm. No man could be supposed to take it at its full rack rent, and properly stock it, if his tenancy is

to last for one year only. But take, for instance, very large powder mills,—such as CURTIS & HARVEY's, at Hounslow. No one could suppose that a tenant could be found to take those works for one year only, at a rent equal to their annual value to their present owners; but it may be mentioned that no means were found, on appeal, to prevent an assessment being fixed upon their present owners at the very highest annual value of the works. Again, who would be found to take St. Thomas's Hospital for one year only, and furnish it with beds, and all the other necessary appliances? And yet, St. Thomas's Hospital has been decided to possess a rateable value of £10,900 a year. Again, the Crystal Palace would not let to a tenant for a year only at a rent of £18,000 and upwards, the amount at which it is assessed at present.

But the words of the statute do not justify the argument. Those words are, "The rent at which the hereditament might reasonably be expected to let *from year to year*." If the more narrow meaning had been intended, the words certainly would have been "to let *for a year*."

We now approach the consideration of an argument which has much more to be said in its favour than the preceding, and which prevails, more or less, with many practical men; but which, upon thorough investigation, will turn out to be fallacious. I allude to the argument that such a property as this would not in the market command a tenant at a higher rent than the amount of this assessment, because no one could be found to take such a property; and, in support of this theory, evidence may have been produced, at the hearing of our hypothetical appeal, of instances in which large mansions have been let at very low rents. For example, the noble owner of such a property may be in pecuniary difficulties, and unable to bear the expense of keeping it up. He, by his agents, seeks a tenant temporarily,

and for the very reason that it is only temporary, he can only find a tenant willing to occupy, at a very low rent. It may or may not be right that, during such temporary occupation, the property should be assessed at the lower rate; but it can scarcely be seriously contended that cases so exceptional, and of such rare occurrence, should govern the rating of all the country mansions in the kingdom which are not only not so tenanted, but which are occupied by men of ample means, to whom and to whose position such a mansion is just as much a necessity as possession of either of the houses in the various classes previously sketched out is to its occupant.

The fact is, no doubt, that this class of property is not often let, but is, in the normal state of things, usually occupied by its owner. And under that state of things the judgment of Mr. Justice WIGHTMAN, in the case of *The Queen v. The West Middlesex Waterworks* is just as applicable to a country mansion as it is to the property of a Waterworks Company. "A hypothetical tenant must be assumed, and the terms of such a tenancy are not difficult to be conceived. The title to the property is to be considered as permanent, so that there is no risk of being compelled to move fixed capital, and the tenant of such a property is to be assumed to have the means of keeping it up. The very fact that such properties are scarce, enhances rather than diminishes the value of them. If an argument, such as has been suggested, is to prevail in the case of a mansion, why should it not do so in the case of a railway or a canal, or any other property in the occupation of its owners in respect of which there would be difficulty in finding a tenant? Certainly, in the case of a portion only of a railway in a given parish, no tenant could be found to take such portion as a separate property, and yet all the judgments of the Law Courts direct that not only shall a

hypothetical tenant be assumed in the parish in question, but it is also to be assumed that there is a similar hypothetical tenant in each of the other parishes, through which the property extends, and the assumption is to go as far even as this, that no one tenant of an essential part is to be able to stop the working of his part of the general undertaking. It is therefore asserted in this Paper as a correct principle, that the owner of a country mansion is to be treated as the hypothetical tenant.

We will now proceed to consider how to fix the rent which it is reasonable to assume the mansion is worth to the actual owner, measured by a comparison with rents which are given in the parish for smaller properties ; contriving, in fact, so to regulate the assessment of the whole parish, that each inhabitant may contribute towards the local burdens, in proportion to his ability as ascertained by his possessions in the parish. We need not condescend to minute details, nor affect to value a house without seeing it, or even to do that very unprofessional thing, viz., to make a valuation without being paid for it.

Commencing with the mansion ; in our former hypothesis, we have shown that it is not rated at all, because the other portions of the property are clearly worth as much as the sum at which the whole is assessed.

In my illustration of a house rated at £100 a year, I stated that the valuer in making his estimate of such a house, must condescend to details, and must take into account the dimensions of the principal rooms, and in that case a separate sum would probably be assigned to the drawing room and to the dining room, also to the bed rooms and other accommodation in the house. In valuing the mansion, no difficulty would be found in following a similar plan. The drawing room being larger than that in the smaller house,

must, if equality is to be considered, have a larger value assigned to it than was given to the drawing room in the smaller house; and, in like manner, all other rooms which are capable of comparison must be valued. The thirty-eight bed rooms in the mansion must clearly have as great a value to their occupier as thirty-eight bed rooms in other houses (they will probably not be found in one house) have to their respective occupiers. The picture gallery in the mansion, 80 ft. by 30 ft., in respect of which no comparison can be instituted, certainly possesses a value to its occupier which is an addition to and not a deduction from the rental value of an ordinary house. And it is just worth while to pause here for a moment to see whether the judgment in the case of *The Queen v. Castleton* does not exactly apply.

It will be remembered, in that case, that CASTLETON was the owner of a cotton mill at the time of the cotton famine, and he sought to escape being rated, because his factory was closed by reason of the want of cotton. The Court held that the property was no longer rateable as a cotton mill, but inasmuch as the machinery still remained in it, it was at least to be rated at as high a sum as a warehouse for the storage of that machinery would be rated at. If this decision is applied to the case of the country mansion, the picture gallery is certainly to be assessed at as high a sum as a warehouse for the pictures would be rated at. If the judgment applies to the picture gallery, it applies to many other parts of the premises, and directly it is made to apply, it will be discovered in practice that it must be fully applied, that is to say, that just as a good warehouse must be rated at more than a bad one, so must a good picture gallery be rated accordingly. If it was not unfair, unequal, and unjust—and we may add illegal—to rate the cotton

millar, whose trade and income was for the time suspended ; it could scarcely be deemed unfair, unequal, and unjust, to rate the owner of the country mansion in respect of the beneficial use and occupation of his house, in proportion to the rate upon other houses in the parish, with due regard to the amount of beneficial use and occupation enjoyed by the occupiers of such respective houses. Moreover, we are not assuming a period of depression, such as prevailed at the time of the cotton famine, but we are dealing with a time of prosperity and comfort immediately succeeding an expenditure of £80,000 upon the property.

We now come to the pleasure grounds. An illustration was given in the early part of the Paper of the value of adding a few acres of land to a residence, and it is unnecessary to supplement those observations with anything more of the same character ; but it must be borne in mind that a man who pays a good price for land, because it adjoins his house, has, in addition, to pay the expense of planting it and making it ornamental. Moreover, he has to wait many years before he can arrive at the perfect enjoyment of his expenditure. In the case under discussion we have twenty acres of very ornamental pleasure grounds, with forest timber of full growth and perfect beauty. Surely if equality and fairness is to govern the laying of a rate, this twenty acres of land, improved to the full extent of its capability so far as concerns the use to which it is to be applied, must be rated at a higher sum than it would be assessed at if it were unimproved and applied to the mere purposes of agriculture.

The kitchen gardens must, at all events, possess a value equal to the rent at which they would let to a market gardener in the way of his trade. Walled gardens and green-

houses would always in the market command a good rent, and it would not be unreasonable to say that, attached to a country mansion, some accommodation rent should be added, —at any rate, a full market value should be placed upon them.

The stabling and coach houses, with all their usual appurtenances, really amount to a necessity in such a case. A mansion, as a matter of course, by reason of the size of the surrounding estate and from other causes, usually stands at a distance from any public accommodation of the kind which could be procured. There is, therefore, not the opportunity of standing horses at livery which there might be in a town; accordingly, the owner of a country mansion must provide his own stabling, and, under those circumstances, can any reason be given why he should not be rated for them? In such a case the stables are tolerably certain to be good, because the horses of a country gentleman are usually good ones, and worth protecting in the best manner. But it is not contended that bad stables should be rated at the same as good ones; the quality should clearly be taken into account, and all the stabling in the parish should be fairly, equally, and proportionately assessed. If the village butcher or the station fly proprietor has better stabling than the squire, then the better stabling should carry the higher assessment; and, on the other hand, if the squire's stabling be the best, then, in all fairness, it should have the highest assessment. There is only this one qualification to be added, —that, if the stabling attached to a country mansion is in excess of the reasonable requirements of such mansion, then so much as represents the excess must be excluded from consideration.

It is unnecessary to refer to the residence of the stud

groom, and the rooms for the accommodation of the other grooms and understrappers. No one could be expected to object to the rating of the fourteen rooms in question, in proportion to the value of fourteen similar rooms in other parts of the parish. To the occupier of the country mansion it is important that the men in charge of his horses should reside upon the spot, and if these houses belonged to third parties it would be found that he would be willing to pay a good rent for them. It is not, however, suggested that any such consideration as that is to be taken into account; everything is to be rated with regard to the exact circumstances in which it is found. Moreover, every assessment is to be reasonable; the principle herein contended for, and it is worth repeating, being the assessment of each particular property at its fair annual value to the actual occupier. Take a few illustrations. The Euston Railway Station is to be assessed at the full value which a prosperous Company might reasonably be expected to pay for a station in that situation:—the Norwood Junction Railway Station at such a rent only as a tenant might be reasonably expected to pay, with due regard to the fact that it is no longer used for the purposes for which it was erected, and that the only beneficial use and occupation which a tenant could derive from it would be proportionate to the use he could now make of it:—the Albert Hall at South Kensington, and the St. George's Hall in Liverpool, at rents which they might be expected to produce, having due regard to the only uses to which they can be applied. And lastly, as examples of a very different character, the Charing Cross Hotel in London, and the North Western Hotel in Liverpool, are to be assessed at such rents as they might be reasonably expected to produce. In all these cases the owners are also

the occupiers, and therefore a hypothetical tenant must be assumed.

We now come to the consideration of the value of the amenities of the estate; and before we refer to matters of a tangible nature, we will glance at advantages which are generally overlooked. Our country mansion, we say, stands in a park of four hundred acres of land, which to a farmer would be worth an average rent of twenty shillings an acre. Adjoining these four hundred acres are other one thousand nine hundred acres of land on the sand formation, very poor as regards fertility, but very enjoyable from a residential point of view; in addition to all these are two hundred acres of saleable underwoods, and two hundred acres of natural wood and plantation; the whole being surrounded by seven thousand acres of arable, meadow, and pasture land of good quality, in the occupation of prosperous tenants; our hypothetical tenant, moreover, being in the receipt of all the rent accruing from such lands, and thus well able to maintain our supposititious hereditament. There can be no doubt that a house so placed is better for occupation, and better for sale, than one which has not these advantages; but this is an amenity which is rarely taken into consideration in valuing a house for parochial assessment, and probably, if country houses were in all other respects satisfactorily rated, no notice would ever be taken of it, but in the event of the question now under discussion ever becoming a battle-field between interested parties, this is a matter which will not be suffered to be overlooked.

The rights of fishing and shooting may be taken together. Hitherto they have been governed by the same law, and, under "The Rating Act, 1874," they will continue to be dealt with on an equal footing. If the occupier of some subject-matter which is itself rateable, also occupies

something which is incident to the occupation, though not in itself rateable, such as the right of fishing and shooting, so that the rateable value of the subject-matter is enhanced thereby, then, under the old law, unrepealed by the Rating Act of 1874, he will still be liable. So, therefore, the occupier of our country mansion has always been rateable in respect of the sum by which his mansion was enhanced in value by the rights of fishing and shooting which he possessed in connection with it, and with any land which he held in hand. Equally so was he rateable if he held the land and let the rights of shooting. The case of *The Queen v. Battle Union* is one in point. In that case the owner of woodland retained the land in his own occupation, but let the right of shooting over it with a neighbouring mansion. The Court held that he was rateable both for the land and the shooting, on the ground that the right to take game is an incident to the occupation of the land, and that he derives a benefit, not from taking the game himself, but from a pecuniary recompense made to him for allowing some one else to take it. His occupation of the woodland is productive to him of a value enhanced by the rent which he receives for the shooting.

If the land had been let to one man and the shooting to another, neither the owner nor the occupier of the land would have been rateable: in that case the owner of the land and the occupier of the shooting would have been exempt, because they were not in the occupation of any rateable hereditament; the occupier of the land was exempt from rateability in respect of the shooting, because he derived no benefit directly or indirectly therefrom. The cases of *Reg. v. Thurlston*, and *The Overseers of Hilton and Wakefield v. The Overseers of the Township of Bowes*, are the ruling cases upon this point.

The Rating Act of 1874 provides that, from and after the commencement of that Act, the Poor Rate Acts shall extend to the following hereditaments, in like manner as if they were mentioned in the 43rd of Elizabeth; and the following is one of three of such hereditaments, viz., "Rights of fowling, of shooting, of taking or killing game or rabbits, and of fishing when severed from the occupation of the land." To a land surveyor it sounds a little strange to hear a mere right of shooting or fishing, without occupation of land, called a hereditament; but sometimes there is not much in a name, and therefore we need not discuss a small matter of that kind.

If the hypothetical tenant of our country mansion retains his shooting over land which he lets, the right is not to be separately rated, but the land is to be rated as if the right were not severed from it; and if in such a case the rateable value of the land "is increased by reason of its being so estimated, but not otherwise, the occupier of the land may, unless he has specifically contracted to pay such rate in the event of an increase, deduct from his rent such portion of any poor or other local rate as is paid by him in respect of such increase; and every Assessment Committee, on the application of the occupier, shall certify in the Valuation List or otherwise the fact and amount of such increase."

Under the Act of 1874, "where any right of sporting, when severed from the occupation of the land, is let, either the owner or the lessee thereof, according as the persons making the rate determine, may be rated as the occupier."

It is, perhaps, desirable here to remove a misapprehension under which a good many people have laboured, that in the future only such rights of shooting are to be rateable as are severed from the occupation of land. The Act of 1874 refers only to these last-mentioned rights, because all

other rights of shooting were already rateable under the existing law. In the future, all rights of shooting will be rateable.

Returning to the rights of fishing attached to our ideal country mansion, the fishery on the river being an artificially constructed work, enjoyed in connection with an occupation of the soil on the banks and bed of the river, was always rateable under the old law.

The two hundred acres of saleable underwoods were rateable under the Act of Elizabeth; but all other woods were held to be exempt, because they were not mentioned in that Act. In the case of *Lord Fitzhardinge v. Pritchett*, Mr. Justice MELLOR defines what woods are saleable underwoods within the meaning of the statute. He says, "the question does not depend upon whether the woods consist of what are timber trees, either by general or local custom. The nature and quality of the wood is not the test; but wherever the woods are treated so as to raise successive crops from the same roots and stools, and whether the crops ripen and are cut at intervals of ten, fifteen, or even thirty years, is immaterial; or whether the woods consist of oak, ash, or elm, which are universally timber trees; or of beech, which may be timber by custom; or willow, the stools of which can be, and are so treated as to produce a succession of saleable crops—in such cases the woods are saleable underwoods."

It has been stated that the natural woods, under the Act of Elizabeth, were not rateable, but that saleable underwoods were. "The Rating Act, 1874," repeals this part of the statute of Elizabeth which relates to the taxation of an occupier of saleable underwoods, and provides for the rating of all land used for a plantation or a wood, or for the growth of saleable underwood, and not subject to any right of

common. It also makes the following provision, viz., "If the land is used only for a plantation or a wood, the value shall be estimated as if the land, instead of being a plantation or a wood were let, and occupied in its natural and unimproved state. If the land is used for the growth of saleable underwood, the value shall be estimated as if the land were let for that purpose.

"If the land is used both for a plantation or a wood, and for the growth of saleable underwood, the value shall be estimated either as if the land were used only for a plantation or a wood, or as if the land were used only for the growth of saleable underwood growing thereon, as the Assessment Committee may determine."

It does not appear very clear from the statute what is meant by "land, in its natural and unimproved state." Land was in its natural state in the time of Adam; but, so far as the present generation is concerned, it is very likely that we must not date further back than the time of the Flood. We must be content to wait for these words to be strictly interpreted for us by legal decisions in the future. The Act is to come into force on the 6th proximo. Meantime, our hypothetical tenant will not have his liability altered in respect of his two hundred acres of saleable underwoods; but in regard to the two hundred acres of wood and plantation he will become liable to be rated, and the value of that two hundred acres of land "in its natural and unimproved state" will probably affect him to the extent by which the annual value of his country mansion is enhanced by the addition of two hundred acres of land, but without regarding the timber upon it.

The Paper appears to suggest the following questions for discussion :—

- (1) Is the practice, which prevails to a very large

extent in different parts of the kingdom, of rating country mansions below the sum at which they should be rated in strict comparison with other classes of property, in accordance with the existing law?

(2) Does the law require amendment, or merely explanation?

It was resolved to postpone the discussion on the Paper until the next Meeting.

I.

DISCUSSION ON ARTIZANS' DWELLINGS' BILL.

AT

THE ORDINARY GENERAL MEETING,

Held on Monday, March 1st, 1875,

ROBERT COLLIER DRIVER, MEMBER, IN THE CHAIR,

A DISCUSSION took place upon the Bill prepared and introduced by the Home Secretary, and now before Parliament, "For Facilitating the Improvement of the Dwellings of the Working Classes in Large Towns."

Mr. J. R. BONNY (Member), in calling attention to the provisions of the Bill, said that the preamble itself would be the signal for an outcry on the part of many who thought that there had already been more than enough legislation interfering with private rights, and there could be little doubt that the measure contemplated by the Government would, to some extent, have that effect. However that might be, that there was a necessity for this legislation, no one who knew what he knew, and had seen what he had seen, could entertain the slightest doubt. His experience of the dwellings of the poorer classes, extended over a great many years. As long ago as the year 1845, he remembered the districts of Clare Market, Saffron Hill, Agar Town, Somers Town, and similar localities where misery prevailed; but it was not until the year 1863, when engaged as land agent for the North London Railway, to clear the way for their City Extension and station in Broad Street, that it

fell to his lot to witness the scenes which he would endeavour, shortly, to describe, and one or two instances would, he thought, be sufficient to show the necessity for legislative interference.

In 1864, a great outcry was raised with reference to the demolitions of the dwellings of the poor, and he was consulted with respect to the proposal that railway companies should be compelled to build houses in lieu of those which they displaced; one plan suggested being the conversion of the railway arches into dwellings. In a letter which he wrote in the year 1864, detailing some of his experiences, were a few passages which he would quote for the information of the Meeting:—"Much outcry has been made against the "railways for destroying the dwellings of the poor. Most "of these ought to have been destroyed years ago. It is "evident, from what I see every day, that the owners of these "dens (mostly vestrymen)"—that word always raised up before him the vision of a mass of obstructiveness and ignorance—"have been allowed to extort their rents, without "being compelled to give the money's worth in comfort "and accommodation, or to keep the buildings in a "decent state of repair. The great boon to these localities "has been the clearance effected by the railways and other "public works. These have formed air channels, and have "also opened the eyes of the public, and I have faith that "once opened, they will not rest until the proper remedy be "found and acted upon. My opinion is that the only effectual "remedy is to give power to some competent tribunal or "public body to compel the owners of this wretched property "to sell it at a fair price, in order that it may be rebuilt to "suit the requirements of the poor. Taking these properties "as they are, they are of comparatively little value since "having many owners, no improvement can be carried out, "and there is much waste and generally bad access. Unite the

“ ownership, and give power to buy proper access, and there
 “ will be more value in the land alone than now in land and
 “ buildings together. I have tested this in many instances,
 “ and find the result to be that the land, adding to it the cost
 “ of access, represents more value than the land and buildings
 “ as they are. The machinery, however, must be simple, and
 “ hampered with as little red tape as possible, and too violent
 “ an interference with private rights must be guarded against.”
 That was the state of things in 1864, and although since
 then much had been done by sanitary measures and bene-
 volent parties, and although the suburban railways had enabled
 the workman to get farther afield by their cheap and frequent
 trains, there were still, he was sorry to say, very many locali-
 ties, which would never be improved without compulsory
 powers.

From the statistics of about 700 houses, he would only
 give three or four cases, and could not do that better than in
 the words he had jotted down in 1864, on the spot, and
 while the realities themselves were before him.

“ Seven four-roomed houses, in which eighty-two people
 “ are squeezed, with one closet for all to use, and a water
 “ supply, for all purposes, from a tap running twenty minutes
 “ each day (and a fight over it).

“ Five houses, seventeen rooms altogether, each not
 “ quite 12 ft. square, sixteen families, sixty in all ; two closets
 “ to ten houses, all in a rotten state, with an immense cesspool
 “ full to the brim, underneath. The water turned on for
 “ fifteen minutes each day, except on Sundays.

“ Fourteen houses (passage 5 ft. into main street), two
 “ rooms to each house, nearly 12 ft. square, about eighty
 “ people in the fourteen houses ; one closet to fourteen houses,
 “ in the open court, with a water-butt standing by its side,
 “ to supply the whole of the water required. No back yards,
 “ wash-houses, or back-doors ; the walls black with filth,

“ no paper, and scarcely any plaster on the walls; floor
 “ rotten, and the whole a mass of rubbish. The rafters brown
 “ with vermin.

“ In five houses, twenty-three people, one closet, no
 “ water on, no paving, rooms about 10 ft. square, walls rotten,
 “ all bad.

“ Sixteen houses, twelve of these with two rooms each,
 “ fifty-seven people living in them; the other four houses
 “ with twelve rooms in all, 12 ft. by 10 ft., let to thirteen
 “ families; two of the houses containing forty people, the
 “ other two about twenty-eight, without wash-houses, and
 “ only one closet to all the sixteen houses.

“ These are a few cases. Should there be any one at all
 “ sceptical about the necessity of our Government bestirring
 “ themselves to alter this state of things and save expense
 “ and crime, let him come and have five minutes at the
 “ entrance of some of these dens of filth and wretchedness,
 “ where a pair of shoes is a luxury, coveted with eager eyes,
 “ and a pair of stockings for a girl’s leg a thing unknown,
 “ and when bugs, rats, and beetles, and other creeping things
 “ are so familiar as to become household gods, and where
 “ the human beings have become so used to everything con-
 “ trary to comfort, that there will be a great difficulty to make
 “ them submit to the restraint of enjoying it. Our gaols
 “ would be much smaller and our streets purer, if these things
 “ you would scarce call human babies were born in different
 “ houses.”

These extracts would, as he said, suffice to show the need for legislation, but the remedy itself must be sharp and decisive. Here was a social ulcer to be cut out at once; and how did Government propose to operate upon it? In the first place, the medical officer was to report to his Board or Vestry, who in turn were to report to the Board of Works,—he referred to the Metropolis. The Board of

Works, upon being satisfied, were to prepare plans and estimates, and a scheme for rebuilding, and refer it for approval to a confirming authority—a Secretary of State, or the Local Government Board. Again, the confirming authority having been moved to make all the inquiry necessary, and being satisfied that the existing state of things justified interference by the Legislature, was to report to that effect. The matter, however, did not end there, for the promoters of an improvement scheme had, under the provisions of the Bill, no power to proceed further without a special Act of Parliament. It was further provided that if the medical officer would not move in the first instance, twenty ratepayers might sign a complaint to him, and set the machinery of the Bill to work in the complicated manner which he had just indicated, or the Board of Works might, with the consent of the confirming authority, send an officer to an area to make an inquiry and report. All these precautions proved that the framers of this Bill were very jealous of interference with private rights. But these rights must, he thought, give way to the public good, which they had all to be taught, must ever be paramount. Nothing could be more cumbersome than the machinery suggested. What was wanted was the creation of some competent tribunal to which representations—not necessarily by twenty ratepayers, for two in many cases would be sufficient—could be made, and which, upon investigation, should have power to say whether the suggested improvement should or should not be carried out, and whether the clauses of the Act referring to the acquisition of the land should or should not be put in force.

It should be remembered that many of the courts and similar places in poor neighbourhoods, to which improvement schemes would be applied, did not represent more than 5,000 feet of land, including all the curtilages. The idea, there-

fore, of obtaining an Act of Parliament to authorize the clearing of such an area was manifestly absurd, and would involve great and unnecessary expense and delay where the utmost economy and expedition were needed; for people could not afford to pay high ground rents for purposes of the kind.

He might call attention to the fact that the Board of Works had power under the Bill to sell or lease any portion of the lands acquired to persons willing to buy or build, due care, however, being taken that the poor dwellings should be replaced. Authority was given to the Board of Works to borrow money of the Public Works Loan Commissioners, at three-and-a-half per cent. ; and, so far as London was concerned, he had no doubt that the operations under any improvement scheme would not be attended with financial loss. If the Board of Works, therefore, could lease the lands acquired, say at four per cent. upon their cost, there might be a hope of inducing private persons to erect upon them good dwellings for the poor, and not the sort of barracks now built in consequence of the dearness of land.

The Bill further proposed to set aside certain portions of the machinery of the Lands Clauses Act. He was glad to see that the clause of that Act which enacted that a purchaser should pay for the whole of a property of which he only required a very small portion was dispensed with, for it would, he believed, have been fatal to the success of the measure. Any lands not taken by agreement were to be duly scheduled, and paid for at the fair market value; a term which was not by any means too precise in its meaning, and would be very differently understood by different people.

He was strongly of opinion that a man who was compelled to sell his property was entitled to be paid the full value to him at the time of its being taken, even supposing it

to be of a kind or in a condition injurious to the public health, and that he should not be compelled to have it taken from him for the price it would fetch, if dragged into the market and sold by auction. There would, doubtless, be many cases of hardship in taking these properties from the owners, especially where these owners were life tenants, or others dependent on the rents as their sole income.

It was also stipulated expressly in the Bill that nothing should be added for compulsory sale. He supposed this intended that what is called the usual "ten per cent." should not be added after the fullest value had been arrived at, and he considered this right, as he never could understand the justice of indiscriminately adding this ten per cent., nor had he ever heard a satisfactory explanation of it.

The state of repair, and general condition of these properties was often not sufficiently taken into consideration, those who attempted to do so being told at once, "You must not go into that, as nobody will support you." He drew attention to these matters, because if the fair value to the owner, or the market value was to be correctly arrived at, especially before a jury, the Members of the Institution must amend their ways in giving evidence on these heads.

The first clause of the schedule of the Bill called for some comment. It provided that the local authority, after the passing of the confirming Act, was to prepare maps and schedules, and an estimate of the annual values and saleable values of all lands affected, the Valuation List then in force being followed in preparing the estimate of the values of the land required.

There could be no objection to putting in the Valuation List, but nothing could be more fallacious as a guide to the real value of the property, or, if intended as such, would be likely to lead to more unsatisfactory results. The Bill, as

set out by the preamble, was evidently intended to do what was required, but the machinery for carrying out this intention was extremely complicated and impractical. Thus the arbitrator was to be appointed by the confirming authority, and was to be supplied with all necessary maps, plans, and particulars, to base his valuation upon; and he was to proceed upon oath to make the requisite inquiries, and to publish a provisional award. After making that provisional award, he was to give notice of having done so to every one concerned, and was then to appoint a time and place for holding a meeting, and hearing all objections; and, after hearing those objections, was to make a final award, subject to an appeal from any party dissatisfied with the award (in the case of the Board of Works, this appeal applied only to cases where the award was over £500),—to what? To a jury under the Lands Clauses Act! Why, in the name of common sense, go to a jury after a competent arbitrator had done all that could be done to make a fair award? Was a jury likely to be able to estimate the market value of a property after the arbitrator had failed to do so? A jury was, no doubt, a capital institution where right and wrong were concerned; but where questions of value were to be dealt with, an arbitrator was, in every sense, the more competent judge. These were the principal points in the Bill which seemed to him to invite discussion.

Mr. C. A. CURWOOD (Visitor) observed that the last speaker had given some statistics showing that the preamble of the Bill was quite justified by facts, a conclusion in which all acquainted with the dwellings of the poor would, he thought, concur. But if ever there was a Bill prepared on the principle of how not to do it, this was that Bill. It did everything but that which was most wanted, viz.,—providing some method by means of which a local authority could be

compelled to do its duty. He could speak with some authority on the subject, as he was in the service of the Liverpool Corporation when they obtained an Act in 1864, to effect a similar object, and which was the first Act of the kind that was ever obtained, and he had succeeded, in 1870, in obtaining an Act for the town of Leeds, with still more simple provisions. Under that Act, the medical officer may report to the Council, and if his attention be called by four rate-payers to the sanitary needs of a district, he *must* do so; and the Town Council, acting on that report, had then to summon the persons interested, to appear before them, when objections were heard and decided upon, and if the parties were dissatisfied, an appeal was allowed to two justices, and, subject to a special case in the Queen's Bench, compulsory powers to carry out the improvement were then in force.

Such was his horror of the vagaries of juries in compensation cases, that he limited the mode of ascertaining the value of the property sought to be taken, to procedure by arbitration. He was not bold enough to go upon the plan followed in the Bill under discussion,—which, as a lawyer, he asserted to be the right one, when there were compulsory powers,—and appoint a sole arbitrator. In a vast majority of cases the Bill would be inoperative unless some pressure were put upon the local authorities. How were these authorities elected? As a rule, they were simply delegates from that numerous but noisy set of small rate-payers, whose only object was to avoid anything that would increase expenses. Without some means of enforcing action on the part of local bodies, the Bill would be a perfect dead letter. What was the use of having any amount of theory if no means of putting it into practice were provided. If the Bill were amended in this direction, he believed that it could be made into a really useful measure. At present, it seemed to be framed mainly in the interests of surveyors and

lawyers; for, what was the form of procedure? First of all, the confirming authorities were to have the details laid before them, and were to send down a special Commissioner, before whom all owners of property had a right to appear and be heard; and of course they would appear, personally or through their attorneys. After the local investigation was concluded, the scheme was to be referred again to London, and a Provisional Order obtained; but that order was to be of no avail without an Act of Parliament. Having obtained the Act, what was the next thing to be done? First of all, a preliminary award was to be made. There was nothing to show whether it was to be made *ex parte*; but if so, well and good. After the preliminary award was published, any of the parties had a right to go to an arbitration; but the ridiculous feature of the arbitration was that, if the award were for more than £500 (though why the line was drawn at that sum he did not know), either of the parties who was dissatisfied with it had a right to go to a jury, and if he obtained a sum only equal to that which was awarded, he was to have his costs, and if he got less, such a sum (not exceeding £20) towards his costs, as the Court might award. These provisions were, certainly, so ludicrously complex, and so expensive, as to render the Act quite unworkable, and the local authority would justifiably refuse to take any action, on the ground of the enormous costs involved. Next came a most extraordinary blunder. After providing for an appeal, the Bill recited that, "If either party to it does not appear at the time appointed for the inquiry, such inquiry shall not be further proceeded with; and the same proceedings shall be had as if no such appeal had been made." Therefore, all a respondent had to do was to keep away!

In conclusion, he would be happy to answer any questions that might be put to him respecting the practical working of

the Bill which he had himself framed for the town of Leeds. It might involve a total expenditure of £80,000, and he had spent already about £30,000 in carrying out sanitary improvements.

Mr. W. H. MICHAEL (Associate) said it would be almost folly for him to attempt any exhaustive analysis of the Bill at so late a period of the evening. He quite agreed with former speakers that the Bill would be inoperative, but he did not entirely concur with their reasons. In the first place, what was the existing law? Look at the Artizans and Labourers' Dwellings Act, known as Mr. TORRENS' Act, which to a great extent met the difficulty so far as separate dwellings were concerned; that was to say, it was in the power of the magistrates to order the demolition of any building which was in an insanitary condition. It had been said that a great defect existed in that Act on account of its not providing compensations. It was felt that the very persons who provided these dwellings in London and in other great centres of population, and who allowed them to get into this insanitary condition, would be the persons to derive the greatest benefit from the Act if compensation were allowed them. These were the same persons who controlled, to a great extent, the election of local authorities all over the country, and who would, consequently, be deriving a benefit from their own wicked acts,—entailing as they did, destitution, disease, and death, to say nothing of crime. So far, therefore, as separate dwellings were concerned, the law was sufficiently powerful to enable the authorities to do all that was necessary. The Government Bill, however, professed to deal with an entirely different state of things, viz., with areas which had become insanitary; and there could be no doubt that the measure was ill-adapted for effecting the object in view. The Bill under discussion only

differed from a private Improvement Bill in being general instead of local. Power was already given by the Sanitary Acts, to every local authority throughout the country, to make improvements in their districts; and, moreover, by precisely the same machinery as was indicated in the Bill, viz., by Provisional Order, they could destroy houses and mend streets for the purposes contemplated by the Bill. Those experienced in the working of the system of Provisional Orders would agree in saying that never was there a more cumbrous means provided, because although, ordinarily, in obtaining Parliamentary powers, there were but two series of inquiries and two sets of expenses, this scheme involved three inquiries and three sets of expenses. First came the local inquiry (often a very long and expensive one), causing enormous delay and frequent discomfiture to local authorities. After allowing every possible person who had the shadow of a claim to be heard, the Local Government Board had then to issue the Provisional Order as a preliminary step towards obtaining a special Act of Parliament, with all its incidents of expense and probability of defect from various causes. The Bill introduced no improvement, therefore, so far as procedure was concerned, and it was, consequently, not at all likely that Local Boards, who already had the power to do what was necessary, and had not exercised it, would be induced to do so by this Bill, which conferred no new power, avoided no difficulty, saved no expense, and, except at the cost of possible injustice to owners of property who were not to blame in the matter, made things no easier or more attractive to Local Boards than at present. The last speaker complained that there was a want of compulsory power in the Government Bill. He found, however, that the Sanitary Act of 1866, by its 49th section, gave power to the Local Government Board when any local authority was in default with respect to the

supply of water or a proper system of drainage in its district, to step in and do its work; and what was the consequence? It had been found by experience that the Local Government Board in London were totally incompetent to execute works all over the country, and to collect rates, in payment, running over a period of thirty years.

The necessary consequence of this had been that the compulsory power of the 49th section, which, when it became law, was thought likely to remedy all sanitary shortcomings, had proved to be utterly worthless; and, even if a compulsory power were superadded to this Bill when it became law, what had happened with regard to water supply and drainage would be the same when applied to dwellings. The only possible way of applying compulsion efficiently would be by constituting a high authority, with the power of controlling local authorities over large areas, such as counties; thus forming an intermediate authority as between the central authority in London and the local authority. Apathy was the rule and not the exception with respect to sanitary measures, and it was not to be expected that any Act of Parliament which was very far in advance of the feeling of the country would work miracles. It would only be waste paper if it were beyond the belief in the value of sanitary improvements of the people who had to carry out its enactments. He wished to draw the attention of the Institution to the impracticability of working this Bill if it became law, for the reason that it certainly would entail the grossest injustice upon some owners of property. They could never expect unjustly to despoil people of their property without raising a storm of opposition. In this Bill it was intended to affect a large area, and in this area there would always be some persons who were morally responsible for having created an insanitary district; but Members were aware that there were many persons in such a district

holding property who were not in any way responsible for the general bad condition prevailing over the whole district. The sanitary authority must be prepared thoroughly to open up an area of that kind before they could do any good. In doing this, they must destroy property which had become insanitary, only because of its being surrounded by property subjected to neglect or improperly aggregated in too compact a mass. The Bill provided for nothing of this kind. The property of many persons only became insanitary on account of the aggregation of other dwellings around it, which had often more to do with an insanitary condition than any other cause in a limited area, by preventing proper access of light and air, and so destroying necessary ventilation. If it were intended to deal with this kind of property without giving the fair value, by saying that you may, for the public benefit, take away, compulsorily, a man's property without giving compensation for his whole private interest, this alone would be sufficient to prevent any good practical operation of the Bill. It appeared to be the intention of the Bill to place a penalty on the owners of property so neglected as to become insanitary, but no protection was given to those who were in no way responsible for this condition. There was another point which was of equal importance. If people's property was to be taken at all, those who took it must be prepared to pay the fair value for it, and this would entail the expenditure of large sums of money, the major portion of which would be taken out of the pockets of the comparatively poor. The great mass of ratepayers in towns and boroughs were those who were only a step removed from persons occupying dwellings of the kind to be dealt with by the Bill—persons who found it extremely difficult to pay the various local taxes imposed upon them. What would be the practical operation of the Bill when carried into law? The Bill said,

“ You are to open up this area, but after opening up the area, you are to erect upon it dwellings which are sufficient to accommodate upon the area itself, or in its immediate vicinity, exactly the same number of persons as you have dispossessed of their dwellings.” The question arose, therefore, whether this was to be regarded as a commercial enterprise or as an alms-giving enterprise; if a commercial enterprise, the persons dispossessed must pay increased rentals for the houses they were to occupy. But the fact was, that these persons were incompetent to pay that increased rent, and had not the means of paying for better dwellings. He saw that some gentlemen present shook their heads; all he could say was, that he had had large experience of tenements of this kind, and of the persons who inhabited them, and he wanted to know where those persons were going to find the money to pay an increased rent. Such houses were occupied by persons who were the dissolute, the improvident, and of the criminal class. If the whole scheme were to be conducted on fair commercial principles, paying the proper value for the property taken, and erecting upon it houses of a better class, the occupants must pay an increased rent; but if it was to be conducted on an uncommercial principle, that was to say, if the tenants were to occupy these dwellings at a low rent, then it was alms-giving, and he ventured to say that it was totally beyond the purpose of a local sanitary authority to provide money out of the rates to erect houses for occupation by persons of the improvident class, at rents which were below their commercial value; the balance to come out of the pocket of the honest and provident ratepayer, whose very providence would entail upon him the tax. It was very doubtful policy to re-erect houses in these close areas, to accommodate an equal number of people, and upon both sanitary and commercial grounds it might have been better

to have given an option to a sanitary authority to seek out and purchase some more open area within or immediately adjoining its district, and to occupy the area destroyed, by its reconstruction with broad streets, and in many cases turning it to commercial purposes, the profits from which would go far to meet the outlay. Then the last point was, that the whole machinery providing for compensation would be found to be unworkable. The process of compensation was expensive enough under the present law ; but the various means to be adopted under the Bill would be found so cumbrous that they would be sufficient to prevent the Act from being carried into operation. He thought, therefore, that the Bill was a great mistake, and unless it were thoroughly amended, both in principle and procedure, it would not be worth the paper upon which it was printed.

Mr. J. S. STORR (Visitor) said that, having been on the Charity Organization Committee, and attended most of its sittings, he felt a deep interest in and claimed some acquaintance with the subject under discussion. It must be borne in mind that the mischief so much deplored with reference to overcrowding, and the enormous amount of crime, wretchedness, intemperance and disease thereby entailed, had been largely caused by direct Parliamentary action in sanctioning Railway, Law Court, Thames Embankment, and other schemes of the kind, involving the removal of the poor from their former homes, and compelling them to huddle together in other neighbourhoods until they became in their turn still more pestilential and unfit for habitation. It was on this account that the Charity Organization Committee considered that the Government, having for years past sanctioned these extensive clearances, (beneficial no doubt, in many respects, to the public, but afflicting to the dispossessed poor), must be looked to to

provide a remedy for the evil which Parliament had done so much to create. Hence the deputations which waited on Mr. CROSS, and the memorials presented to him by the Charity Organization Society, the Royal College of Physicians, and others.

The local authorities in London, and the local authorities in towns like Liverpool, Bradford and Glasgow, could not be considered as similar. In London it was impossible to get men of social standing, intelligence and leisure, to take part in parish matters. Even the members of the Metropolitan Board of Works do not, at the present day, compare favourably with those who were elected when it was first established, and the difficulty was increasing, year by year : men of high character and experience failing to come forward as candidates. Therefore, many persons seeing these difficulties, as to London, were in favour of an alternative scheme, to that recommended by the Home Secretary. Instead of putting these new powers and all this responsibility upon the City Corporation in their district, and upon the Metropolitan Board of Works throughout the remaining area of this vast Metropolis, it was considered that to deal with the matter promptly, and in the manner which its extreme urgency would dictate, the only sound plan was for the Home Secretary, or the President of the Local Government Board, to take it up and treat it with a direct action from the central authority. "No taxation without representation," "the laws of supply and demand," and a great deal of doggrel of that kind, was often talked by persons unfamiliar with practical necessities,—men who never studied the works of Professors CAIRNES and FAWCETT, Mr. J. S. MILL, and other profound writers on political economy. He was of opinion that these admitted evils could not be adequately met in any other way, and that the decent housing of these poor suffering people must be effected

by the immediate action of the Government of the country. The mistake, lying at the core of the Bill, was the faulty conception of its framers, of the duty of a Minister of State. It was assumed to be the minister's duty to tell the local vestries, and their over-worked and half-paid medical officers, to inquire into and to deal with these matters, instead of taking the responsibility upon himself and the Government.

On the motion of Mr. R. VIGERS, the discussion was then adjourned.

AT
THE ORDINARY GENERAL MEETING,

Held on Monday, March 15th, 1875,

EDMUND JAMES SMITH (VICE-PRESIDENT) IN THE CHAIR.

The discussion on the Paper by Mr. E. RYDE, entitled "The Rating of Country Mansions," read at the last Meeting, was opened by

Mr. T. F. HEDLEY (Member), who said that he was almost tempted to regret having moved the adjournment of the discussion, as he found, on reading the Paper, a great correspondence between the ideas of Mr. RYDE and his own, and he lost the advantage of following some gentleman with whose opinions he might find himself at variance. He was hardly prepared to endorse the views of Mr. RYDE with respect to the magnanimity of large landed proprietors, and their readiness to submit to what was just and equitable, for his own experience taught him that some gentlemen who lived in very large mansions had very small minds.

He fully agreed with Mr. RYDE that nothing was so little understood as the subject of rating generally, although few subjects possessed so universal an interest. So far back as the 22nd of May, 1856, he had made a Report to the Poor Law Board, from which he would quote a few words, to show how thoroughly he endorsed that view,—“I have arrived at the conclusion that the apathy with which the question of local taxation is generally viewed, whenever it happens to be

mooted, arises from defective information on the subject, and that if the ratepayers and the public generally were aware of the serious importance of the question, and the unfairness and inequalities of the rates by which they are assessed, I feel assured they would promptly appeal to the Government for legislative interference." Nothing could be clearer than the author's illustration of the principles of the law, that a man's property was to be rated at what it was worth at the time the rate was made, and he very properly pointed out that there was "no exception in favour of a house occupied by one of a select and limited class, to the injury of the more numerous and more humble classes." He was afraid, however, that the spirit of the law was violated, and that it would be found in practice that the houses of the nobility were not rated in proportion to the houses of their neighbours,—a state of things to which the attention of the House of Commons was forcibly called by the late President of the Local Government Board when he described the rating of gentlemen's houses in this country as a species of scandal.

The instructional circular issued by the Poor Law Commissioners, defining "gross estimated rental," and "rateable value," had been treated in the north of England—more particularly in Northumberland and Durham—with the contempt it deserved, founded, as it was, upon bad law. He believed the principle adopted by Mr. RYDE, of taking the small cottage as his unit and working upwards by gradual steps to the mansion, to be a sound one; for there was no valid reason why the same method should not be applied to arrive at the rateable value of every species of house. He had himself advanced this view, very fully, in a Paper which he prepared for the guidance of the county magistrates in the district with which he was more immediately connected. The magistrates were asked on what

principle they assessed a detached house at £100 and a large mansion house with pleasure grounds at £80 a year; and the explanation they gave was that the ordinary dwelling house was rated by comparison with smaller houses, but that the country mansion house could not be let, and, there was, therefore, nothing to compare it with.

He had, himself, been accused of harshness in speaking of the tribunal which, in the event of dispute, settles questions of rateable value, and it was probable that Mr. RYDE would not escape a similar censure.

It must be remembered that these gentlemen had a personal interest in questions of the kind, and that they were consequently not beyond the reach of suspicion; for was it not the case, when one gentleman was dealing with the rating of another gentleman's mansion house, that he was practically settling the question of his own?

He had followed with interest Mr. RYDE's careful analysis of the rating of a hypothetical mansion, by apportioning the assessment upon the various parts according to the rent which a tenant might reasonably be expected to pay for those separate parts, and he was not surprised that the results of his analysis showed that the superb mansion house was practically rated at nothing at all. He had made a similar calculation with reference to a fine mansion in Northumberland, deducting the separate parts in something like the following way:—The stables at as much per stall as an ordinary occupier would expect to pay; the coach house at such a sum as an ordinary carter would have to pay for shelter for his waggon; the vineries and shrubberies at the amount which a market gardener would have to pay for similar advantages, and so on. The result produced sixpence, per week, per room, for that splendid castle with all its luxurious advantages over the dwellings of the poor; whilst, in the immediate locality, some of the

most wretched hovels were rated at a shilling, per week, per room. This fact confirmed the remark to which he had referred, that the inequality amounted to a scandal. The rating of other kinds of house property followed upon the increase of its rental value. Thus, if a man took an ordinary dwelling house, and wanted a couple of rooms added to it, his landlord added the rooms, but charged interest on the outlay, or an increased rent. If he wanted a coach house added, the landlord added it, but expected the tenant to pay interest on the outlay, or extra rent. If, as he frequently found, the tenant wanted a greenhouse or a vinery, the landlord put it up for him, and expected a fair return for his money, and charged the tenant accordingly; and in all these cases an increase in his assessment followed as a matter of course. As Mr. RYDE had very justly said, such places as CURTIS'S & HARVEY'S powder mills, St. Thomas's Hospital, or the Crystal Palace, were not properties of a kind which could be let from year to year, and must, consequently, be rated according to the principles laid down by the Courts,—of assuming a hypothetical tenancy. It was the application of this very principle to country mansions, which, in the nature of things, could not be let to a tenant at an adequate rent for one year only, which he had been strenuously advocating in the north of England for many years past.

Nine years ago, in his observations and Report to the Hexham Union, he said, "It is admitted that, although such mansion houses and pleasure gardens as Beaufront and Chesters could not be let from year to year, they could readily be sold for considerable sums, and that such sums fairly represent their present capital value, or the capital invested therein. Under these circumstances, I am of opinion that in valuing large mansion houses and pleasure grounds, which cannot be let from year to year, 'a hypo-

thetical tenant must be assumed,'"—and that was the only course to be pursued in assessing such houses. Mr. RYDE referred to the fact that these houses—if the owner from circumstances, or inclination, ceased to occupy them—could only be let at very low and nominal rents, and it was no doubt the case that fine residences were often let at such rentals, some of them partly, and some wholly, furnished. But it must be remembered that the object of persons in letting them, was to secure some one in the character of a care-taker. If there were no tenants in houses of the kind, to keep up the fires and maintain a staff of servants to look after the place, the owners would have to provide a care-taker, and, instead of getting a return for the occupation, would have to pay for having their property preserved from injury. It was therefore altogether unfair to argue that the comparatively nominal rentals paid by occupiers, under such circumstances, afforded any criterion of the rents which a *bonâ-fide* tenant might be reasonably expected to pay for a house of the kind. He did not think that the analogy based by Mr. RYDE, upon the case of the *Queen v. Castleton*, held good. In *Castleton's* case the mill was shut up by reason of the badness of trade. The owner and occupier of the mill could no longer enjoy the beneficial occupation of the mill, and was merely holding it until good times returned. The case of a gentleman occupying a mansion house, and enjoying it whenever he pleased to enjoy it, was not analogous to a mill out of work by reason of such a depression of trade as gave rise to the case referred to; for a very much smaller space than that comprised within a large mansion would be found sufficient for the proper storing of the owner's furniture.

Mr. F. VIGERS (Member) said that, as a member of one of the Boards of Guardians from whom Assessment Committees

were elected, he felt inclined to deprecate the employment of any harsh terms with reference to a body of men to whom was entrusted the task of carrying out the law as it stood, and who, unless they acted unfairly or corruptly, were entitled to be judged leniently, in view of the difficult duties which they had often to perform. As a surveyor, it had occurred to him that, in many instances, the assessment of country mansions was not all that it might be; but the fact was that Assessment Committees were working in an old groove (not altogether an unreasonable one), which it would take them some time to work out of. It should be remembered that there was a time, and that a not very distant one, when, in valuing an estate, to put down any very large sum for the mansion would be to make a great commercial mistake, the custom being in such cases to throw the mansion in as part of the general consideration. An alteration, however, had come about of late years. There were, now (fortunately for England), so many men of wealth, that in putting a value upon an estate for the purposes of purchase, it would not do to ignore the mansion altogether, or some other purchaser would step in, who would put an appreciable sum upon the mansion, and offer an enhanced price for the estate.

As he had said, no doubt there was room for an alteration in the present practice prevailing in the assessment of large mansions, and that alteration would come about, either at the hands of Assessment Committees or of magistrates sitting at Quarter Sessions; but it took time to effect it, and no substantial injustice was, meanwhile, being done. Many portions of Mr. RYDE's Paper were accepted facts which it would be useless to discuss; but one or two points in it called for comment. It struck him that the author had fallen into an inconsistency; for, in the early part of the Paper, he said he had been invited to notice the Act of 1874, but that

it would so alter his plan that he would abstain from doing so, preferring to reserve it for future discussion. Notwithstanding this, at page 207, he entered upon the consideration of the Act of 1874 in treating of the right of fishing, and proceeded to discuss it in succeeding paragraphs. The most important points raised in the Paper were the two questions with which it closed :—"First. Is the practice, which prevails to a very large extent in different parts of the kingdom, of rating country mansions below the sum at which they should be rated in strict comparison with other classes of property, in accordance with the existing law?" The answer was obvious. If the mansions were rated at less than they would let for, then they were not rated in accordance with the existing law. The whole question was, what would they let for? The law as it stood said that all property was to be rated at its letting value as property, and the large mansion must stand upon the same footing in this respect as a small villa, a mill, or any other class of property. The second question propounded in the Paper was, "Does the law require amendment, or merely explanation?" His answer was, "Neither one nor the other." The law required no amendment, for its principle was unmistakeable that the letting value was to be the basis of assessment, and the meaning of the term was as clear as the sun at noon-day. He could not help repeating that he thought it a mistake to pass judgment hastily on Assessment Committees, and magistrates in Quarter Sessions, on account of an occasional mistake or misapprehension of facts.

Mr. W. EVE (Member) said that, unlike the last speaker, he felt constrained to express his gratitude to Mr. RYDE for his most useful Paper, on a subject the discussion of which had been too long delayed. He had himself experienced great difficulty in getting Assessment Committees to understand the

true bearings of the subject. The last speaker had, he thought, insisted too much upon the mere rental value of a mansion as a mansion, without sufficiently taking the fact into consideration that a mansion usually gave to the occupier not only a habitation, but a position in the neighbourhood; which, as the owner of the estate, he enjoyed,—an element of value which should, he thought, be duly allowed for in estimating the rateable value of property of that character. The two questions which Mr. RYDE had put were answered by Mr. RYDE himself. The present system, in principle, was most fair and equitable, and legislative interference was entirely uncalled for; what was wanted, was thorough explanation, and this, he apprehended, the Paper would be the means of supplying.

Mr. R. C. DRIVER (Member) said he had had some experience in the sale of residential properties, and could confirm Mr. VIGERS' statement, that thirty or forty years ago it was customary, when estates of the kind were sold, to throw the house in as part of the bargain. With the increase of national wealth, the practice had been gradually discontinued, and a sum of money was now placed upon the house, representing, with the greatest exactness, its proportion of the value of the whole.

As regarded the letting value of mansions, all surveyors were aware of the difficulty of finding tenants for them when unfurnished, or without that security of tenure, which, in ninety-nine cases out of a hundred, could not be given. Then, again, even a furnished mansion, unless it had the amenities described by Mr. RYDE, such as shooting, fishing, hunting, &c., and was situated in a district within a few hours' ride from London, could not be let at anything like the sum at which the same house could be let if nearer to the metropolis; therefore, the rating of country mansions

admitted of the application of no hard and fast principle, but must depend upon the special circumstances of each case.

In valuing a farm, no one would think of adding to the value of the land a certain sum for the dwelling house equal to what it might let for by itself; for the dwelling house was a necessary part of the machinery of the farm, and must be rented or rated, as the case may be, on a very moderate scale. This was, to some extent, the case also with a mansion in the midst of a considerable estate. It was part and parcel of the estate, and a necessary nucleus for a large property. He maintained, therefore, that it must be rated tenderly and cautiously.

He believed the principle adopted by Mr. RYDE, of building up the value by putting a price upon this and that adjunct of the mansion until he made it appear that the house itself was exempt, to be totally fallacious. The mansion and offices, and such like, must be taken as a whole, and not as so many independent subjects of value for rating. A mansion was built for a special purpose; was added to at various times to meet varying requirements, and its rating, therefore, must be adjusted to extraordinary and special circumstances. The larger the mansion and offices, the more difficult to let on rental, and it generally realized a lesser sum than a reasonably sized one. He thoroughly endorsed the views expressed by Mr. VIGERS, and believed them to be perfectly sound and good.

Mr. W. J. BEADEL (Member) said that, contrary to what appeared to be Mr. DRIVER's practice, he was himself accustomed, in fixing the rent of farms, to take, first of all, the productive capacity of the land, its situation, and general condition; and, if it happened to have a superior residence upon it, to add to the rating value such a sum as would represent the difference between an ordinary occupation and

an extraordinary one. As regarded the Paper itself, he must say that it appeared to him inconsistent to attempt to put a rateable value upon a mansion by assuming a certain rent for the stalls of the stables, for the coach houses, for the laundry, and so on. There was really no reason why Mr. RYDE should not descend, while about it, to even lower minutiae, which, on the same principle, must have some value, however infinitesimal. His experience of mansions was, that of all species of property, they were the most difficult to let, as occupiers could not easily be found willing to incur the expense necessary to keep them up, or, in the words of the Act, "in tenantable repair," and to pay all the ordinary rates and taxes. Was any gentleman present ready to assert that he could find a tenant for the coach house, another for the stables, another for the laundries, and another for the garden, upon the understanding that each tenant should repair, and pay the ordinary rates and taxes? It was impossible, therefore, to separate the different adjuncts of the mansion in this way. It must be treated as a whole. It would be equally reasonable to go into a calculation as to the number of bricks, the amount of timber, or the weight of lead employed in the construction of the building; or to argue—"This building cost £50,000, and the ordinary return which a man expects for money so invested is seven or eight per cent., which therefore represents the fair rating value of the property." The method advocated by Mr. RYDE was, however, perfectly applicable to smaller properties, and there was no better way of determining their rateable value, the real measure of which was the rent for which they might be reasonably expected to let from year to year. Every surveyor knew that the higher the point in the scale of value the fewer were the customers. Thus, there were thousands of people for £6 houses, hundreds for £60 houses, but only one here and there for a £600 house; and the competition

for the higher classes of houses being so limited, the chance of realizing a fair rental value for such houses was proportionately diminished. It seemed to him, therefore, that, as the law stood, the principle of assessing large houses, which Mr. VIGERS defended, was, unquestionably, the right one.

Mr. D. HASLAM (Member) said that there were one or two points, with reference to the assessment of country mansions, which had forced themselves upon his notice in the course of his practice, and which seemed to call for amendment. One was, that no notice was given of an increase in the rating of country houses. Alterations of the kind were suddenly and unexpectedly made, the owner being left in entire ignorance of the grounds on which his assessment was increased. The consequence was the creation of a good deal of ill-feeling, which could be easily obviated by a slight amendment of the law. The second suggestion he would make, was, that some better Court of Appeal might be found than the Court of Quarter Sessions. Most owners of mansions were also magistrates; therefore, as a rule, their appeals practically came before themselves; and he found that gentlemen would not, for that reason, carry their appeals beyond the committees. Country committees were usually composed of farmers and others of the same class—not the best fitted to fix mansion values—and owners naturally hesitated to obtain at their own hands or those of their own class, what they failed to obtain from the committees. It seemed to him that it would be a matter of no great difficulty to appoint some independent person, to whom even the suspicion of bias could not attach, and when this was done, he believed that many at present unsettled and unsatisfactory cases, would be carried before such independent person, and would be then, and not till then, settled on a basis satisfactory to both owners and committees.

Mr. P. D. TUCKETT (Member) had been very much interested in reading Mr. RYDE's Paper, and he thought some of the Members who had spoken had treated it in a rather more severe spirit than it deserved. Those who knew how great an authority Mr. RYDE was on rating questions, and knew also the kind of rating questions in which he was chiefly engaged, could readily imagine how this Paper had arisen. The experiment of separately valuing each stall in the stables, and each appendage of every kind to a country mansion, had been sternly condemned ; but it struck him that it was simply an attempt to apply a practice constantly resorted to in contested ratings of railway stations, and gas and water works, to the case of a mansion ; and it seemed to him that that part of the Paper was not so much a serious exposition of the way to assess a country mansion, as a striking illustration of the dissimilar principles on which different properties were treated. The law, that the assessment should be based upon the amount which a property would reasonably let for from year to year, was described as very simple ; but, unfortunately, the application of this principle to special cases had created a judge-made law which was far from being so clear or uniform. It was admitted that a mansion was not adapted to be let from year to year to a stranger, though of great value to a resident proprietor : the yearly tenant did not care to furnish adequately, nor did he acquire the same *status* as a purchaser, and rents were not in proportion to what was paid in purchase. Whether the advantages which a purchaser gained, but a tenant did not gain, were adjuncts by which the gross estimated rental of the hereditament could legally be considered as increased, seemed to be questions on which opinions differed. Mr. EVE had stated that a mansion should be rated at what it was worth to the owner, and not at what it was worth to a tenant from year to year ; but a very large proportion of those who dealt with the

question had hitherto taken the opposite view. Now he had not the slightest doubt that if one were dealing with a railway company, or any other public company, a judge would say this property was not one ordinarily let, or adapted to be let, from year to year, and that a hypothetical tenant must be assumed, which would amount to assessing at what it was worth to the owner. What he wanted to point out was that there was an inequality in the principle on which these two classes of property were, respectively, ordinarily rated. He hoped that the case to which Mr. RYDE specially alluded (for, although it was under the guise of a parable, he supposed they all knew what he referred to) was a very extreme case. Last year he was employed by one of the large railway companies to make an investigation, for purposes of comparison, into the gross estimated rentals and rateable values of a large number of country mansions near their line, and, although he found the assessments low, and, in the cases of the larger mansions, very low, they were not so enormously disproportionate as had been suggested in the case which seemed to have originated this Paper.

Mr. C. F. HUMBERT (Member) said that the question submitted to the Meeting by Mr. RYDE was, whether it was or was not the practice, according to the system which prevailed over a very large extent of the kingdom, to rate country mansions below the sum at which they ought to be rated; and all impartial persons would, he thought, agree that houses of the kind did not bear their fair share of the burden of taxation,—neither of the poors' rate, of the inhabited house duty, nor of the property tax which followed the poors' rate. He had no doubt the Legislature contemplated that all houses and property should be rated in the same proportion. He did not understand Mr. RYDE to say, when comparing his hypothetical house, containing a small drawing

room, with a mansion which contained a drawing room of ten times the value, that the rate in the latter case was to be ten times greater than in the former, but that the two houses should be rated in proportion to their relative sizes and to the accommodation which they afforded to the owners. The difficulty of fixing the rateable values of different classes of houses was one with which he had frequently to contend in rating large suburban parishes—one parish particularly, where mansions were springing up in every direction. In this parish he was called upon to rate these houses to the poor rate; but his instructions were to rate them in proportion to other houses which had been previously dealt with. Every quarter a list was sent to him, and he had sometimes to add a greenhouse; sometimes a small stable; and so on. Now, assuming a house in that parish, from a small beginning, to be year by year added to, and suppose he had, quarter by quarter, to add something to its rating in respect of such additions, it was probable that by the time it grew to the size of many mansions, the rating would be excessive, as compared with the old rating of the mansion. Mr. RYDE, he thought, did not mean—as some of the speakers seemed to understand—to advocate such a system as that, but simply built up his valuation as he had done, to show, what was the fact, that a real inequality existed between the rating of mansions and other houses. The true principle was, to rate a mansion at what it was worth to the owner. Some houses were so large that they could hardly be let at all. It would be difficult, for instance, to obtain a tenant for Windsor Castle, and he believed it would be found in practice that many large mansions were let, furnished, at rents of about £1,000 a year, which included the use of furniture, the landlord paying all the rates and taxes,

and, in some instances within his knowledge, all the large outgoings, such as keeping up the garden, and general repairs. It would hardly be contended that a letting on such terms afforded any criterion of the rateable value. Some middle course should, he thought, be pursued, which, without laying an undue burden upon houses of the higher class, would ensure their contributing more to the rates than they were now called upon to pay. Six hundred pounds a year would be found a high rateable value for a large house, and, indeed, he knew a house which had cost £150,000 which was rated at £600 a year, an amount which was considered by the authorities to be too high. It had been asked was any alteration in the law necessary? The present law ought to be sufficient; but he doubted very much whether there would ever be any great alteration in the rating of these large houses without some alteration in the law itself, or some authoritative exposition of it.

Mr. ARUNDEL ROGERS (Associate) said that it appeared to him the thanks of the Institution were due to Mr. RYDE for the exceedingly able Paper which he had read. He did not know whether he was right in assuming that Mr. RYDE regarded the dimensions of a mansion as the main criterion of its value; he hoped not, as such a method of valuation was likely to lead to great injustice. For instance, there were many large mansions which, in former times, had let for something like £300 or £500 a year, whereas in the present day they would not let for £100 a year. He was himself acquainted with many instances of the kind in Devon and Cornwall, as well as in other parts of England. To rate such mansions according to their size would be equivalent, in many cases, to absorbing the whole value of the estates attached to them. It

would, he thought, be difficult to find a substitute for the present system. The Act of Elizabeth had been in existence for a period of two hundred and fifty years, and, surely a statute which had lasted so many years was, *primâ facie*, a measure based upon very intelligible and correct principles, and could have done no practical injustice, or it would not have been permitted to exist so long. The main principles of the Act had never, as yet, been interfered with, although powers had been given to Assessment Committees to modify its practical operation and to ensure its fair working. Thus, in London, provision was made for a re-assessment every five years, while in the country a discretionary power in this respect was left in the hands of the Assessment Committees, so that the assessment could be re-adjusted from time to time as occasion might require, and any inequalities redressed; and this, he believed, was done according to the principle and within the spirit of the statute. Size or capability was, as he had said, no true criterion of rental value; a large mansion with twenty or thirty bed rooms, which in remote rural districts would only let for £100 a year, would, if it could be transported to other parts of England, realize a rental of £1,000 per annum, but it was precisely these questions of local value which Assessment Committees who were specially acquainted with the circumstances of their districts were the most competent to decide.

The law as it stood was perfectly clear and intelligible, and assessments of all kinds must be governed by one general principle, and the present basis of rental value was the best, he believed, for all purposes that could be devised.

Mr. T. M. GEPP (Associate) said that his experience of the decisions of Quarter Sessions in Rating Appeals ex-

tended over nearly forty years, and he was satisfied that the doubts which had been expressed with reference to the competence of magistrates to deal with such matters were entirely unmerited.

Speaking generally, he believed that both Chairmen of Quarter Sessions and Recorders of Boroughs were men of ability, and that their integrity was beyond suspicion, although, of course, they were not all of equal calibre.

One feature of the Act of Elizabeth, which had not been referred to, but which constituted a most important safeguard, was, that it was based upon the principle of what he might call self-rating. Thus, the overseers were, on the nomination of the vestry, to be selected by the magistrates, and these overseers were actual residents in the parishes where their duties lay, and with which their own interests were identified; therefore they and the Assessment Committees assessed themselves as well as their fellows, and it was so contemplated by the Act. Assuming, however, that the Court of Quarter Sessions, as one of appeal for matters of the character under discussion, needed some improvement in its constitution, he might suggest the aid of assessors, sitting in the same character as the brethren of the Trinity House in maritime cases. He believed that the appointment of two surveyors of standing to assist the county magistrates in rating questions would fully meet every objection which had been raised.

Mr. W. H. WARNER (Associate) said he would be glad to know whether it was the general custom, in rating houses, to take the sizes of the rooms as the standard of value, in the manner set out by Mr. RYDE in his Paper. If so, there was no doubt that such a plan would be fallacious, since position, decoration, and other circumstances added

considerably to rental value, independently of the size or number of rooms. To give a case by way of illustration, he might instance a house at the west-end of London, with which he had something to do, which had a rental value of about £200 a year. A surveyor from the east-end was sent up to value it, and he came to the conclusion that it was worth about £40 a year ; and, no doubt, he was correct, the mere size of the rooms being compared with the size of many in the Whitechapel district. The principle of apportioning the assessment among the items of which the whole is composed, might be applicable enough to the valuation of railways, gasworks, and similar undertakings, which produced an income upon the cost of erection ; but the method was totally inapplicable to the case of a mansion, which seldom produced any return for its cost.

It seemed to him that Mr. RYDE rather begged the question in the concluding paragraph of his Paper, where he spoke of “ the practice, which prevails to a very large extent in different parts of the kingdom, of rating country mansions below the sum at which they should be rated, in strict comparison with other classes of property.” Was it the case that the state of things assumed by Mr. RYDE did really exist ? For his own part, he doubted it altogether.

Mr. A. O. SEDGWICK (Member) asked Mr. RYDE whether the proviso in the first section in the Parochial Assessment Act, would not give power to the Assessment Committees to deal with mansions otherwise than by guessing what they would let for, from year to year, when there was no demand.

He could not remember the words of the proviso ; but it alluded to the Act of Elizabeth, and it really seemed as though the Assessment Committees often dealt with mansions that were never let, and were in the occupation of their

owners, on the principle of making a mere guess at the rent which they should put upon them. If a gentleman came into the country, and laid out £70,000 or £80,000 in building a mansion, he ought to be prepared, and the Assessment Committee ought to consider he was able, to pay a greater proportion of the rates and taxes than he now did. In looking through the Rate Book last week, he found that the rateable value of his house was £160 a year; and, no doubt, it would be found that houses, in the same parish, which cost from £20,000 to £30,000 in building were not rated at more than £190 or £200 a year.

Mr. E. RYDE (Member), in reply, said that Mr. SEDGWICK had given a practical illustration of the very inequality which it was the purpose of his Paper to demonstrate. Was that state of things to last, and was it right or fair that it should do so? That the rating of country mansions was low in comparison with ordinary residences of another class, hardly seemed to have been denied in the course of the discussion, and the question was whether the existing practice, in that respect, was based upon a misapprehension of, or was in accordance with, the law. In the latter case there came the further question,—Did the law require alteration?

Within the limited time at his disposal, he would endeavour to reply to some of the principal criticisms on his Paper. In the first place, he was bound to refer to the complaint that he had used hard words. Such was certainly not his intention, nor could he call to mind any words which he had used which laid him open to such an accusation. Again, it had been observed that much of his Paper consisted of well-known and accepted facts. He did not

know how to set about writing a practical Paper which did not comprise facts perfectly well known to any experienced surveyor ; nor did he pretend to lay fresh facts before the Institution, but only to treat a difficult and much-debated question in such a way as to make its true bearings, as he conceived them, clearer and freer from irrelevant considerations.

For some years past, he had made the valuations of the Chertsey Union on the very principles laid down in the Paper, and as Mr. VIGERS, who was a member of the Chertsey Board of Guardians, was no doubt aware, there had not been a single appeal against his valuations, although the Union contained mansions as difficult to value as any to be found in any part of England. He was free to say that no such anomaly was to be found in the Chertsey Union as that which had been so opportunely described by a preceding speaker.

He had been rather vaguely accused of using harsh terms towards Assessment Committees, but what were the words he had actually employed ? They were, that " The Assessment Committees throughout the country, appointed under ' The Union Assessment Committee Act, 1862,' are, at the best, judges only in their own cause, inasmuch as the valuation objected to is of their own making." It might, no doubt, be urged with truth, that in some instances the valuation was made by the overseers, but as it came before the Assessment Committee for confirmation it virtually became their act, and he contended, therefore, that he was substantially correct in stating that the man who was aggrieved had to appeal to the very men who made the valuation, and who were, consequently, judges in their own cause, although he would be the last to deny that many of them were most honourable

men, and perfectly competent for the duties which they were called upon to discharge.

Again, what had he said that was unfair with reference to the magistrates who sat in Quarter Sessions, or in what way had he impugned either their honour or the uprightness of their intentions? It was all very well to extol the merits of this or that particular chairman. He had himself done this in his Paper; but his practice was not confined to one county, and he did not find that the Quarter Sessions was always the most satisfactory tribunal for the hearing of Rating Appeals. It was a mistake to suppose that magistrates came from all quarters of the county, and sat out difficult appeals to the end. It frequently happened, on the contrary, that towards the close of the hearing, the chairman and deputy-chairman were the only members left, and he was quite right, therefore, in saying that very much depended upon the view which the chairman himself took of the question, and upon his personal competence for arriving at a correct decision.

He might observe that, although he had adopted the hypothetical form for the instances he had cited, he had not mentioned one which was not the type of something which had occurred in his experience.

Turning from these purely personal questions he would deal with some of the criticisms passed upon the subject-matter of the Paper. His statements as to the unfairness of the prevailing system of rating country mansions had been fully corroborated by the instances given by Mr. HEDLEY and by Mr. SEDGWICK. The former gentleman, whose agreement with him in so many points was a matter of simple accident, put the case very forcibly, by contrasting the actual rating of a mansion and of a small cottage in the

same parish, and showing that while the cottage was rated at a shilling per room, the mansion was only rated at sixpence. He put it to the Meeting, was that fair or was it not? If it were fair, by all means let the present system continue; but if not, it became every surveyor's duty to see that some remedy be found. It had been urged that no rent whatever would be given for mansions in some situations, and a previous speaker (Mr. ROGERS) had expressed a strong opinion to that effect, but he had anticipated that criticism in his Paper, and had asked whether such exceptions were to govern the rule? He was dealing not with casual instances of that kind, but with a house occupied by its owner,—the owner of an entailed estate,—which was never a single day out of occupation, the moment the father died the son stepping into possession, and which was just as much a necessity to its owner as a private house to any gentleman in the room. The hypothetical owner of the hypothetical mansion could not keep up the position he occupied in this country, and could not derive the full benefit from his wealth, without the house which he had described, and it was therefore as much a necessity for him as his (Mr. RYDE's) own moderate-sized house was for him.

Where was the fairness, then, of the practical exemption of such a mansion from the burden of taxation, when his own small house was rated to its full value?

The valuation which he would put upon a mansion would be very much less in proportion to its size than the valuation he would put upon other houses, but it should be its reasonable value to its owner.

The only point on which Mr. HEDLEY disagreed with him was with reference to the case of *The Queen v. Castleton*. The details of that case were, no doubt, familiar to Members; but he would briefly recall them. The man was a cotton

spinner ; but owing to the difficulty of getting cotton during the American War, the mill was shut up, and he claimed exemption from rating on that ground. The case went ultimately to the Queen's Bench, and what did the law say ? "It is true you are not in possession of a cotton mill ; but you have not sold your plant or machinery, and this mill is of value as a warehouse for that machinery, and, therefore, you are to be rated for it as a warehouse." This case would illustrate others. If that mill had been put into the market, it would not have let at all, encumbered as it was with machinery for which no use could be found ; so that if the present law meant that a property should only be rated at what it might reasonably be expected to let for, without reference to the present occupier, the Court would have said that CASTLETON'S cotton mill was not rateable at all. But they did not go upon that principle, but upon what it was worth to him. That, therefore, brought him back to his position that the country mansion was to be rated at what it was reasonably worth to its occupier.

It would be impossible, within the limited time at his disposal, to reply to many of the observations which had been made. The difficulty referred to by Mr. DRIVER, with reference to farm buildings, was one which frequently perplexed country valuers, who were accustomed to include in the rate upon the land the value of the buildings. Perhaps a certain quantity of land lay in one parish, and a very good house and homestead in another, in which case the land was to be rated simply with reference to its fertility, and the buildings in the other parish at a reasonable sum.

Again, it often happened that the occupier of a farm rented other land from other owners, but without farm buildings. The easiest method of dealing with all cases was to put down so much an acre for land and add the

buildings afterwards; not, however, at anything like such a sum as would necessarily pay interest on the cost of construction, but at some reasonable rate.

More than one speaker had characterised as absurd the method employed in his Paper of demonstrating the actual exemption of the mansion itself, by putting a value in detail upon the various parts of the property. He wished it to be distinctly understood that he had done so in order to prove his contention by a process of exhaustion.

It was said by one speaker to be absurd to put a price upon the laundry, a price upon the stables, and so on. Now, suppose they were rating two houses in all other respects equal, but that the one had a laundry and the other none, was it absurd—absolutely absurd—to put something more on the house that had the laundry than on the house which was without that accommodation? And if not absurd to do so, did not the difference represent the value of the laundry? He would venture to suggest that when hard words were used, even in pleasantry, they should be used very cautiously; for it often happened that what seemed absurd at the first blush of the thing, did not seem so when adequate reasons were given.

With reference to the questions propounded at the end of the Paper, in his judgment no alteration of the law as laid down in the Act of Elizabeth was necessary. The Rating Act of 1874 was the first attempt to alter that Act, and he did not think that it had tended to make the original more clear. All that had been required was a short statute, in some half-dozen words, enacting that the exemptions supposed to exist under the Act of Elizabeth were not to be exemptions; that all woods were to be rated as well as saleable underwoods, and that rights of sporting were to be rated under every circumstance. It was complained by one

speaker that, although at the beginning of the Paper he had said he would not deal with the Act of 1874, he had subsequently done so. He could hardly consider the rating of a mansion without dealing with sporting and fishing and all its other amenities, but he carefully abstained from entering into any discussion of the Act itself. He might say thus much with reference to that Act, that it would call for a great deal of consideration on the part of those who endeavoured to apply its principles, and that there would be a good deal of litigation before it settled itself down into a working measure.

The CHAIRMAN said that it was unnecessary to detain the Meeting with any remarks of his own at such a late period of the evening. The discussion must, he thought, have been exceedingly satisfactory to the Members, as surveyors; for it appeared to be generally agreed that every case must stand entirely upon its own merits. The subject under discussion ranged from the case of a house in the hands of what Mr. HEDLEY called a care-taker, to the same house in the hands of the owner of the considerable estate on which it stood, and who was to be charged as the occupier of a house in which he expended his income. It was, therefore, quite conceivable that one and the same house might, at various periods, fall into each of these two categories. It might be continuously occupied by its owner for a long term of years, and might then pass into the hands of an infant whose minority might extend over an interval too short for there to be any inducement to a person to hire the house, except one in what had been described as the character of a care-taker. He apprehended that, according to one argument, the house was to be assessed at the same sum, whether in the hands of the owner or merely occupied by a

casual tenant. But, if otherwise,—if the assessment was to fluctuate with the circumstances of occupation,—it was evidently impracticable to establish any hard and fast figure at which that particular house was to be rated ; and this, as he had before said, gave surveyors an opportunity of exercising their individual opinions on every case.

A vote of thanks to Mr. RYDE having been passed unanimously, the Meeting adjourned.

II.

DISCUSSION ON ARTIZANS' DWELLINGS' BILL.

AT

THE ORDINARY GENERAL MEETING,

Held on Monday, April 12th, 1875,

EDMUND JAMES SMITH (VICE-PRESIDENT) IN THE CHAIR,

The adjourned Discussion on the Bill (prepared and introduced by the Home Secretary,) "For Facilitating the Improvement of the Dwellings of the Working Classes in Large Towns," was resumed by

Mr. R. VIGERS (Member), who said that all must agree that the subject was one of great importance to London and the other large towns affected by the Bill now before Parliament. He entirely approved of the general principles of the Bill, but could not help thinking that it was likely to prove too beneficial to the interests of surveyors for a measure the first essentials of which should be cheapness and simplicity of action. It was important to the success of any plan for acquiring sites for dwellings for the working classes, that the cost incurred should be a fair and reasonable one, or the result would inevitably be to discourage those

who were content to invest their money at a small rate of interest, where the object was the welfare of these classes, from participating in the efforts of the local authorities to overtake the evils which the Bill was intended to meet. Again, unless the costs were fair and reasonable, those who were actuated by purely charitable motives would hesitate to spend their money on objects where the good effected was so incommensurate with the outlay involved. The machinery for carrying out the intentions of the Legislature could not be too simple. What was wanted for the purpose was the empowering of certain authorities to obtain sites, or to add to sites already obtained, and remove obstructions to the proper carrying out of schemes of necessary improvement. It was well known to persons conversant with matters of the kind, that sites could be obtained in many parts of London which were, say, but half large enough for the purposes in view, or, in other words, not sufficiently extensive for an establishment large enough to give a profit upon the money invested over and above the cost of maintenance and management. Thus, half an acre of land covered with buildings would cost just as much for supervision and management as an acre or more; and it was important, therefore, that those who had to deal with insanitary areas should be invested with powers to enable them to acquire, by inexpensive means, sufficient of the surrounding property to give any scheme the completeness necessary for success. To illustrate his meaning, he might mention the case of about a quarter of an acre of land in Westminster now in the market, which was offered at such a fair and moderate price, that any of the building societies in London could afford to purchase it for the erection of suitable dwellings for the poor. The property adjoining was also in

the market, and would, if added to it, render the whole site sufficiently large to be dealt with. It happened, however, to be in the hands of an Improvement Company, who asked more than double the price per foot for their land than the two or three adjoining owners were content to receive. It would be very desirable to be furnished with some economical mode of laying this and similar cases before a competent authority, with whom it should be left to say whether the site was suitable for the erection of workmen's dwellings, and whether the owners of adjoining property should or should not be compelled upon fair terms to part with it in order to provide a space sufficient for the purposes of the scheme.

Again, it often happened that a large area of land was obtained at a fair and moderate price, but was surrounded by a fringe of the most miserable property which could well be met with,—badly drained and almost worn out. Those houses, however, had windows overlooking the site which it was proposed to improve, and immediately that steps were taken to put up buildings, the parties engaged in so doing were inundated with Chancery suits, because during the time that an old lease had been running the dilapidated houses had obtained rights of light. As an illustration, one property which his firm had negotiated for, had been sold for a trifle over £1,000 a few weeks before negotiations were commenced, and the only sum that they could get named was £4,000 for the purchase of a short lease. The matter was subsequently taken before the Court of Chancery, and they had, in the end, to pay large compensation. He feared that without some power of dealing economically with property of this description, the Bill would be found to be very ineffective in many instances.

He thought it a mistake to throw the onus of moving, in the first instance, upon the medical officer. It had been stated to him by more than one of these gentlemen, that they were often hindered from dealing with these evils by the fact that they had frequently to report against the very people who employed them. Indeed, he had heard one of the most energetic of them state that he had been threatened if he made a report that it should be brought before the Board and he would be dismissed. He thought, therefore that, for such an important measure as this Bill, some better prime mover than the medical officer could very easily be found. The report should proceed from some one who was quite independent of any parish with which he might be called upon to deal. The medical officer of St. George's, Bloomsbury had had the courage to disregard any feelings on the part of his Board which his action might excite, and had carried out the provisions of Mr. TORRENS' Act to the fullest extent; but medical officers generally would be slow, he thought, to imitate his example; for it must be remembered that they were not usually men of the highest standing in their profession who could afford to take an unbiassed and bold view of such things, but men struggling to make a position, and who were, as a consequence, willing to accept a small salary for a large amount of responsibility.

He understood that some very important amendments in the Bill were to be suggested in the House of Commons that evening. Among others, it was proposed to do away with a great part of the schedule of the Bill. Questions would not be allowed to go before a jury after they had been settled by the most appropriate and most careful tribunal, and no appeal would be allowed unless the sum involved exceeded £500. These were decided improvements upon the original draft Bill.

Speaking generally, he feared that unless the Bill very materially simplified the process for obtaining possession of the land required for these improvements, no very great advantage would be derived from it. With a small addition to the TORRENS' Act, which worked very well up to a certain point, a great deal of the new troubles with which they were threatened, might, he thought, be avoided. Under the TORRENS' Act, property which had been allowed to get into a very bad state might be reported upon by the medical officer, as under Mr. Cross's Bill, and his report being corroborated by the evidence of surveyors and engineers, the magistrates might condemn it and order its removal. The weak feature of that measure was that it failed to provide for dealing with the property after the site had been cleared. He knew of an acre of land which had been covered with very small and dilapidated houses. One-half of it was attacked in the first instance, by the medical officer of the district, and the houses removed. That was nearly three years ago ; but the half-acre cleared remained unutilized, and the greater part of the people that went out of the one-half were driven into the other and already overcrowded half.

Another great defect in the TORRENS' Act was that it gave no power to get rid of the leaseholds. Now, the freehold of the property he was talking of belonged to the Foundling Hospital. There was one lessee direct from the hospital who had granted perhaps twenty leases, those twenty lessees granting some five and thirty under-leases. The consequence was that the Act, which, as he had said, worked well so far as simply clearing overcrowded and unhealthy sites was concerned, did nothing towards solving the difficulty of dealing, in the way of reconstruction, with

properties divided up into a great number of small owner-ships.

On the occasion of the last discussion, Mr. MICHAEL expressed his conviction that one difficulty in the way of working this Act would be that the clearing of these sites would so increase the value of the land, that no one could deal with it without raising the rents of the poor tenants, those who put up new houses in London being compelled to charge much larger rents for them than were paid for the inferior and often dilapidated dwellings which they were intended to replace. He (Mr. VIGERS) could not agree with that view. On the contrary, if the buildings were put up in a judicious and economical way, the balance tended in the other direction. In these new buildings much more was made of the space, and a larger number of rooms were obtained. The owners were thus enabled, unless their object was to make unusual profits, to let them at more moderate rents than were paid for the wretched rooms which previously occupied the site. Where the object was to benefit the poor, while making a fair return for the outlay, 1s. 10d. a room, with all sorts of conveniences, was a reasonable rent, and one that was constantly charged; but it would be found, on inquiry, that in the miserable property cleared to make way for these better dwellings, the poor people could hardly get a room for less than 2s. or 2s. 6d. per week. Thus the Peabody Trust charged less rent than other owners in the neighbourhood, and in several cases the builders who had been putting up large blocks of houses, had complained that the Peabody trustees did not seek to obtain the larger rentals which they could readily secure, and that they were unfairly underletting other persons who were putting up similar buildings as a commercial speculation.

Mr. V. BUCKLAND (Member) asked what rate of interest the new buildings generally paid ?

Mr. VIGERS said that it depended in a great measure on the cost of the land, and whether the vendors were persons who were content with a moderate price : where this was the case, property of the kind could be made to pay four-and-a-half per cent.

Mr. BUCKLAND inquired what Mr. VIGERS could afford to pay per foot for the freehold ?

Mr. VIGERS: Five shillings per foot. Under which circumstances he could set aside two-thirds of the area for playgrounds and for light and air, devoting the other third to buildings which could be let, in rooms, at rentals considerably less than the tenants paid for their former miserable houses.

Mr. A. GARRARD (Associate) said that the Bill under discussion did not seem designed so much as a means of providing cheap sites, as for removing some of the plague spots in London, and for affording facilities for putting up better houses, or compelling local authorities to put them up, in place of the present miserable dwellings in which the poor were housed. To a certain extent he looked upon the Bill as a merely temporary measure. For some thirty or forty years a Building Act had been in existence, and every house erected under that Act was bound to be constructed with due regard to sanitary requirements. Upon the expiration of old building leases, buildings worn out were replaced by others ; but as long as these leases lasted, the

Bill would be the means of enabling the unhealthy buildings to be cleared away by degrees, and of getting good buildings where bad ones existed.

Many alterations in the Bill had already been made in Committee. The word "Labourers" had been, he thought very sensibly, added to the title of the Bill, as the term "Artizans" certainly very inaptly described the class of people who inhabited the houses with which it was the object of the Bill to deal. In the next clauses the scope of the Bill was extended to courts and alleys as well as dwellings, and power was given to deal with cases of insufficient light and ventilation. The Bill, as amended, relieved the local medical officer of the onus originally laid upon him, of setting the powers of the Act to work in any particular district. The Officer of Health for the Metropolitan Board, who would occupy an independent position, was the person now named in the Bill to move in the first instance in matters of the kind, and the change was in all respects a good one.

The original draft of the Bill recited that the Act should work if twenty ratepayers made a representation that any area was in an insanitary condition. The number of ratepayers was now reduced to twelve, and it was further enacted that two justices of the peace might set the powers of the Act in motion. The House of Commons had also passed a clause to the effect that accommodation for at least as many of the working classes as were removed should be provided.

Another important feature of the amended Bill was that it would enable owners to carry out an improvement scheme, or any part of such scheme, under the superintendence of the local authorities, on terms to be agreed on, and it had also been decided that the scheme "may exclude any part of the area in respect of which an official representation is

made, or include any neighbouring lands, if the local authority is of opinion that such exclusion is expedient, or inclusion necessary, for making their scheme efficient for sanitary purposes, and may also provide for widening approaches to the area, or otherwise open out the same for ventilation.” The sixth clause is reported as having been agreed to as amended, but he had not been able to discover the nature of the amendments made. It certainly appeared to him to threaten to become the rock upon which the whole thing would split if it were not very materially altered. To carry out improvements of this kind, it could not be expedient that an elaborate routine should be gone through at great cost, to effect what after all might be a very small matter. Any great good under this Act, in London, must be done piecemeal, and not by means of extensive schemes; and if it should be proved to the satisfaction of the Metropolitan Board of Works that a particular improvement was necessary, let the Secretary of State, upon his being satisfied, give authority to clear, say an acre or two at once, without the cost and delay involved in an elaborate system of notices, and in obtaining an Act of Parliament to carry the scheme out. The property should be purchased under notices to treat in the ordinary way. The difficulty with which various societies had had to contend in erecting improved dwellings for the poor, had been the acquisition of sites. He could adduce instances where owners of property would only be too glad to acquiesce in the removal of inferior buildings and get good ones put up in their stead; but there stepped in an under-lessee with a nominal interest, who would not sell. Many owners of cottage property in London adhered to it with such tenacity, that no reasonable amount of money would tempt them to give way. He had tried

it and failed, and where unwholesome buildings could be removed, the freeholders agreeing in the first instance, great good would be done by obtaining summary authority from the Secretary of State to deal promptly with these small interests.

Reference was made on the last occasion to the indefinite nature of the term "fair market value," which owners were to be paid for their property. He could indicate many places in London where weekly tenements existed which, if bought at their value as weekly tenements, would only represent a small proportion of the value of the ground on which they stood; and whether this clause made it clear that the fair market value of such property, as land, was to be paid to the owner, seemed to him to be open to question.

As he said before, some short, sharp, and decisive way of meeting these evils was needed, and nothing could be less adapted for the purpose than the plan proposed, under which the notices alone would cover a period extending altogether to some six months before the property could be got hold of. These were the points he wished to draw attention to, and which, if the attention of the House could be called to them before the Bill passed, might be rectified, and some good might be done.

Mr. E. RYDE (Member) agreed with Mr. GARRARD, that the Bill was primarily intended not so much to provide new sites as to get rid of unwholesome and overcrowded areas, care being taken, at the same time, to provide sites capable of accommodating a similar number of working men, so as to prevent their being turned homeless into the streets. He thought that Mr. MICHAEL had been a little misunderstood when it was said that he had expressed an opinion that

any measure for the reconstruction of insanitary districts would tend to increase rentals. What Mr. MICHAEL said was, that any loss which arose out of a transaction of this kind would have to be paid for by the ratepayers, and that the section of the ratepayers upon whom the burden of taxation generally fell most heavily was the small shop-keeping class, who could ill afford to pay even those rates which they were now called upon to pay.

The first clause of the Bill on which he wished to comment was the thirteenth, which enacted that any one should, if called upon to do so, be bound to sell his property for the purposes of an improvement scheme, upon an estimate of the value of such lands, including the houses upon it. He apprehended that there was very little chance of meeting, as had been intimated by a previous speaker, with an instance of land, covered with houses, which was more valuable by itself than with the houses added, being compulsorily taken at the value of the houses only. No injustice was likely to occur in that respect; but he did see a considerable risk of injustice to a class of owners who could ill afford it if that clause were to stand unamended. It went on to recite that no additional allowance over and above the market value should be made in respect of compulsory sale; in other words, that the usual ten per cent. should not be given in cases coming under this Act. It was easy to see what had suggested that provision; but was it right, because there had been cases in which parties exercising compulsory powers had been made to pay more for property than was fair and reasonable, that a hard and fast line should be drawn at this special class of cases? What were the facts in many instances with reference to the owners of small house property in London? It not unfrequently happened that

they were people retired from business and living upon the barest competency,—in fact with just enough to keep body and soul together, their income being derived from these small houses, many of them, no doubt, not in the very best state of repair, and of a kind very likely indeed to come under the sweeping provisions of this Bill. If those people were bound to sell their property at its value in fee simple, they would be at once deprived (to put it in the most moderate way) of half their income, because the money consideration they would receive for parting with these places, would not, unless they could at once re-invest it in the same kind of property, bring them in anything like the same income. He was not making himself the advocate for those people, and knew nothing more about them than was derived from their coming under his general experience. He was not even contending that the public good did not occasionally necessitate the infliction of individual hardships, but was simply endeavouring to show one of the results which might be looked for if the Bill passed in that form. Why should the customary ten per cent. be withheld? It was given to ensure the vendor against risk in his re-investment and against loss of income while he was finding a suitable opportunity of re-employing his money. It was not always that a man could buy property and make a good bargain; he might very easily make a bad one, and this with the best intentions, and after the most careful consideration, and the ten per cent. was to compensate for the risk. He could not help thinking that it was an unfair provision to insert into the Bill, and if once a suspicion of unfairness became attached to Acts of Parliament, any legislation of the kind, however necessary, would get into disrepute and would be difficult to carry out in the future.

Next, with reference to the arbitration clauses. What could be more foolish than the second clause of the schedule which enacted that, "The scheduled lands for the purposes of such estimates shall be valued in separate holdings, as they appear to be held by the valuation list for the time being in force in the place in which such lands are situate; or where there is no valuation list, then in the last poor rate, and the annual value shall be the gross value, or gross estimated rental as stated in such list or rate?" Nothing could be more delusive than to take the gross estimated value in a country parish, or the gross value in a London parish, and to assume that it in any way gave a notion of the annual value of the property for the purpose of ascertaining its fee simple value. Then came the departure from the ordinary course, and the introduction of the complicated form of procedure which had been so severely commented on by previous speakers.

On page 21 of the Bill was a provision of a most extraordinary kind, to the effect that if either party to any appeal to a jury did not appear at the time appointed for the inquiry, such inquiry should not be further proceeded with. Attention had already been called by Mr. CURWOOD to the absurd consequences involved should this clause remain unamended. Assume, for instance, that the arbitrator specially appointed as already mentioned by previous speakers, had made an award for half the value of a given property, and that the landowner had appealed, and steps were taken to summon a jury. The jury were summoned, but the authority who had to pay the money was far too well satisfied with an award which only bound them to pay half the value of the property, to put in an appearance, the consequence of their absence being that the whole pro-

ceedings were rendered nugatory, and the form of appeal an empty delusion.

Mr. R. VIGERS said Mr. CROSS had that night given notice of an amendment which left out the whole of the paragraph alluded to.

Mr. RYDE was glad to hear it. Looking at the Bill generally, it seemed to him that there was a double machinery for everything, and that it would be very cumbersome and expensive for the accomplishment of a simple object. Surely it would be possible to find some less complicated form of procedure for getting Parliamentary powers over little blocks of property such as were to be dealt with under the Bill. For instance, deposits of plans and sections might be made three or four times a year, instead of in November only, and much delay might in this way be saved; and instead of going before a Parliamentary Committee, a Bill of the kind might be submitted to some tribunal of a less dignified but equally satisfactory kind, and when it came back to be dealt with practically, might be referred to some sole arbitrator, for which function many suitable men might be found in London or in any large town. Make his awards binding; cut out the invidious clause referring to the ten per cent., and leave it to the discretion and judgment of the arbitrator to give what he may deem that each case demanded. This would be at once a simpler and more satisfactory method of accomplishing the object which Mr. CROSS had in view, and would enable him to carry out his determination to wipe away from the face of the earth some of those plague spots, of the existence of which there could be no manner of doubt whatever.

Mr. R. VIGERS mentioned that a strong attack was to be made by Mr. CAWLEY upon the schedule of the Bill, which really went over the same ground a second time, and added greatly to the expense of procuring sites. There was sufficient in the Bill itself, if it embodied the Lands Clauses Act, to enable it to work fairly and properly without the schedule.

The CHAIRMAN said that all were agreed as to the extreme importance of improving these black spots in the heart of London, which there could be no doubt were centres of disease of the very worst description. It was also very much to be desired that they should be extinguished at the cheapest possible cost consistently with justice to those whose incomes were derived from them. No doubt these persons were sometimes almost wholly undeserving of sympathy ; but it occasionally happened that they were persons, who, during a long series of years passed in honest industry, had saved up a few hundreds of pounds, which they invested in the purchase of an outstanding interest in houses of this class, and occupying the end house of the row, were able to take care that they realized their rents from them. Such persons would, undoubtedly, feel the inconvenience of having their current incomes turned into money, and would find it very difficult indeed to obtain the half, or even, in some cases, the third of the incomes they had heretofore enjoyed.

He was indisposed towards that section of the Bill which took away the additional ten per cent. compensation ordinarily given where compulsory powers were exercised. If the owners of a superior kind of house property received this ten per cent., it was extremely hard that a poorer class of

owners should be denied it. All classes should be treated with equal fairness, no matter how poor or how rich, and he hoped to see this invidious provision expunged from the Bill.

The Meeting then adjourned.

LARGE FARMS *VERSUS* SMALL FARMS.

By W. L. HUSKINSON (MEMBER).

*Read at the Ordinary General Meeting of the INSTITUTION OF SURVEYORS,
April 26th, 1875.*

THE PRESIDENT IN THE CHAIR.

THE question of large farms *versus* small farms is so closely connected with the question of large estates *versus* peasant properties, that it is very inconvenient to separate them. On the one hand, large estates may be, and often are, divided into small farms, as in some parts of England and especially in Ireland. On the other hand, as M. DE LAVELEYE suggests, there is nothing to prevent land being owned in small plots, and cultivated in large farms, the land being owned in the same manner as railway shares. Certainly there is nothing in the nature of things to prevent this being done; but there is nothing to prevent many things being done, which practical people would hesitate to try. The suggestion is curious, as it appears to me to be giving up the chief and most important economical argument that the advocates of peasant properties possess.

Practically, large estates favour and, where the conditions are suitable, tend to large farms, and small estates to small farms. The main question, and the one most generally raised is, whether large estates, divided into moderately large farms, and cultivated by capitalist or tenant farmers, are better than small estates cultivated by peasant proprietors.

It is with great diffidence that I introduce a question which has been so long a subject of earnest and even fierce discussion, which is so closely connected with other important questions of social and political science, and concerning which such diversity of opinion has existed and does exist. At the same time it is a question, the economical aspects of which the Members of the Institution, familiar as they are with rural affairs, are particularly qualified to discuss; and I introduce it in the hope that some of them may give us the benefit of their opinion on so important a subject. I have been induced to bring the subject before the Institution, by the remarks of one of our Presidents, who, in his opening address, in 1870, referred to the question as one affording matter for consideration. It is my earnest wish to treat the subject fairly, calmly, and dispassionately, with a sole desire to arrive at facts, with a full sense of the difficulty and complexity of the points involved, and in the hope that my remarks may result in a useful discussion by Members more qualified to treat of the question than I pretend to be.

I ought, perhaps, in the first place to confess that I am in favour of the system existing in this country, of moderately large estates, with farms large or small, as circumstances may determine. And, therefore, with every desire to arrive at truth and fact only, I may unconsciously be somewhat biassed, for which allowance will be made.

It may, perhaps, be useful to consider for a moment why such diversity of opinion exists on the subject. It will tend to give us clearer views of the direction in which we shall have to move before the question is approximately settled. The truth is, both systems have many aspects. They can be regarded either from an economical, social, or national point of view; and there is thus great opportunity for difference of opinion as to the relative importance of each aspect. Ulti-

mately, the question is a practical one ; and practical affairs are not decided by facts of one kind only, but by a weighing, comparing, and judging of facts of different kinds. In every department of life, in every art, our judgment has to be exercised in considering the relative importance of material and moral facts. We cannot treat them like fractions, and reduce them to a common denominator before comparing them. Yet practical decisions have every day to be made and acted upon, after comparison of moral and material facts. This shows why an unanimous opinion on the subject of large farms and small farms can never be arrived at.

The question is, ultimately, a practical one, and consists in balancing, as it were, the results of a consideration of the subsidiary questions into which the main one can be divided. As some of the subsidiary questions are moral, and some material, there is always an opportunity for some men to exaggerate the importance of the moral, and others the material, elements of the question. "Why," asks SCHON, in the Prussian Commission of 1807, "waste the productive force of four proprietors and sixteen horses, to do that which one proprietor and six horses can do better?" The answer suggested is, "Because Prussia is a purely agricultural state. Her people must live mainly by cultivating land. Situated between France and Russia, her very existence depends upon her fighting power. How, then, can the wealth of the country be better distributed than in supporting extra men and extra horses?" This answer may to some appear an erroneous one ; but as long as the human mind is constituted as it is, mankind will always see the necessity of sacrificing wealth, in some degree, to higher considerations. Man cannot live without bread ; but neither men nor nations live by bread alone.

This may seem very unpractical ; but it is fortunate for

us such feelings never die ; and I am happy to say that this view, relating to this same subject, is supported by one of the leading Members of our Institution.

Mr. WOOLLEY, in his Paper, protested against carrying economical considerations to an extreme limit. If, wishing to neglect everything but economical considerations ; if, strong in the opinion that though economy does not cover the whole of human affairs, it covers a very important part ; if, entertaining the idea that the question of cultivation on a large or small scale must be settled by first settling the subsidiary questions of which the economical is the most important, we turn to that science of political economy which deals with the economy of states—what do we find ? Exactly the same difference between the views of its professors as that which exists between the views of ordinary people. And why ? The most superficial acquaintance with political economy, which is all that I pretend to have, shows that there is not only a difference of conclusion on the subject of large and small farms, but a radical difference in the conception of political economy itself. We find that one school restricts itself to the economical aspects of every question, and another school considers, in addition, the moral and national aspects. The difference is clearly explained in an article in the *Edinburgh Review* of 1837, where it is shown that one school considers political economy a science, and another considers it a science and an art. The former school confines itself to the abstract science of the creation and distribution of wealth ; the latter combines with these the consideration of how wealth ought to be distributed for the well being of all. Economy, they say, is the regulation of a family or house ; political economy the regulation of a family applied to a state.

To illustrate the radical difference between the two schools I may, perhaps, be allowed to refer to and compare

the remarks of M. DE SISMONDI, in his "Studies of Political Economy," with those of Mr. SENIOR, in his "Outline of the Science of Political Economy." M. DE SISMONDI writes, "Have these new philosophers really taught us political economy, when, whilst showing us how wealth may be created, they have forgotten to show also how it ought to be distributed for the well being of all?" . . . "They have forgotten independence, happiness, virtue." Compare this with Mr. SENIOR, who writes, "The subject treated by the political economist, using that term in the limited sense in which we apply it, is not happiness but wealth." Mr. MILL also states, in his preliminary remarks to his "Principles of Political Economy," that "the subject of political economy is wealth."

If, then, we confine ourselves to those who take a limited view of the subject, and who consider the economical aspects only, can they settle for us the disputed question of large or small farms? Political economy, thus limited, is said to be a science, and we might, therefore, hope to obtain certainty.

Mr. MILL, in his "System of Logic," writing of political economy, says: "It makes entire abstraction of every other human passion or motive, except those which may be regarded as perpetually antagonistic principles to the desire of wealth, namely, aversion to labour, and desire of present enjoyment of costly indulgences." Mr. BUCKLE, in his "History of Civilisation in England," writes of ADAM SMITH, thus: "In his works he resorts to an artifice which, when the subject becomes unmanageable by complexity, by impossibility of experimenting upon it, is allowable. He makes an imaginary separation of inseparable facts." Political economy would thus appear to be an abstract, hypothetical science somewhat similar to geometry or arithmetic, which are based on similar artifices.

Unfortunately, it is not so certain as either arithmetic or geometry. Mr. MILL says, "Political economy, from its nature, cannot be a science of positive predictions, but only of tendencies." This is very evident. We now see what assistance can be derived from political economy in the settlement of the question of large and small farms. It can show the various economical elements which tend to make one system superior or inferior to the other. It can draw up, as it were, a balance sheet showing the advantages and disadvantages of each. But dealing only with tendencies, the figures in the balance sheet are wanting. These have all to be filled in. It can say that the facilities for the use of machinery tend to make large farms the more profitable ; and, on the other hand, that the direct personal interest of those who do the work tends to make small farms more profitable. Which is the strongest tendency is a question of fact, a question which, it appears to me, the science is not calculated to decide.

This will not be, I am sure, taken as a presumptuous depreciation of the infinite importance of the science within its own limits. It is obvious that of two tendencies, which is the strongest is a question that can be decided, not by general reasonings, but by statistics and facts alone : not by deductive reasoning, but by experience alone will it be definitely solved. If the statistics are on a large enough scale, the disturbing causes, which may affect the result in individual cases, are eliminated. I am aware that Mr. CANNING has said : "There is nothing so fallacious as facts, except figures," but even with the risk of drawing unsound inferences from them, figures are better than conjectures and theories. On the economical aspects of the question, it is to be hoped that some day facts may stand instead of conjectures, to which all are now more or less reduced. It ought not to be forgotten that, however various

the causes, moral or material, which tend to produce the result, the result itself is material enough, and can be weighed and valued. If tables can show us approximately, not only the area and population of all the different countries in Europe, but the proportion of persons employed in different industries; the proportion of the sexes, the percentage of births, marriages, and deaths, criminals and paupers; the amount of imports and exports, and many other matters, is it too much to hope and expect that, ultimately, for the different counties of England, and provinces of continental countries, the number and sizes of farms, and the gross produce, and estimated value of produce, whether corn, hay, beef, mutton, butter, or milk sold, may be approximately known, and also the number of horses, cattle, sheep, and pigs? These statistics are all partially collected, and it is to the improvement, extension, and comparison of such figures that we must look for a satisfactory conclusion as to large and small farms from their economical point of view. Collectors of statistics and the rural economists seem to me to be the men who will ultimately settle, approximately, under what conditions one system is superior or inferior to the other; but at the present time even they do not seem to be agreed in their general conclusions. We know how favourable M. DE LAVERGNE appears to be to the English system in his "Rural Economy of England, Scotland, and Ireland," in which he says that "on an equal area, England produces twice as much as France;" but M. DE LAVELEYE, in his "Land System of Belgium and Holland," published by the Cobden Club, states, that "small farms yield more produce, and more valuable produce, than large farms over the continent of Europe, without a single exception, where '*La Grande*' and '*La Petite*' culture are seen in competition."

It is stated—as if it were of any importance—that the

English system of capitalist or tenant farmers differs from the system existing over all Europe. It is as often implied that there must, therefore, be something wrong in the English system. This seems to me as reasonable as to assume that because a man is six inches taller than the average of his neighbours, there must be something wrong in his moral constitution. It appears to me mere prejudice to assume that peculiarity is necessarily wrong. If the English system differs from the continental system, the condition and circumstances of England differ likewise.

No doubt, on the continent, small farms and small estates predominate. This we find from the reports of Her Majesty's Consuls. In Bavaria, in Belgium, in Holland, in part of Lombardy, in Sweden, in Prussia, and in France, there are, as is well known, great numbers of small farms and peasant proprietors. On the continent, where tenancies exist, they are generally on the "*Métayer*" system, except perhaps in Normandy, Belgium, and Denmark—a system barbaric, complex, and contrary to all rules of economy.

The land being farmed by capitalist farmers is a system of no modern date in England. Mr. SEEBOHM shows that, at a very early period, inquiry was made relating to the demesne lands of a manor, "how much every acre was worth to be let." He quotes, too, HUGH LATIMER, who says, at a later period, "My father was a yeoman and had no land of his own." No doubt, to a late period, there were many yeoman farming land of their own, but these have largely disappeared. Many people very naturally regret this. The old English yeoman was no doubt a fine character. There is a fine, poetic, and pastoral flavour about him. He impresses GOLDSMITH so strongly that he describes an ideal time when, "Every rood of ground maintained its man." Alas! in these degenerate days the land is either not so productive, or our individual wants are much greater. I

regret the old yeoman. We all regret him. It is, however, useless to fight against the inevitable. The economic forces against which he struggles in England are too strong for him. It does not pay to be a small yeoman proprietor. The application of commercial principles to land, as Mr. SEEBOHM shows, has banished the peasant proprietors from England.

Mr. SMITH has summarised in his Paper the economic reasons of the yeoman's disappearance. Admirers of poetical agriculture may say, "Why apply commercial principles to land?" One can but answer, that the application has been growing in this country for centuries, and that the economic forces tending to it are now irresistible. "Who can," as Mr. CARLYLE says, "clutch the wheel spokes of the car of Destiny and bid it turn back?"

In Australia, as appears from the *Times* of February 19th, 1875, a similar state of things is already commencing. A writer from Melbourne says that, "the large proprietors are gradually buying up the small proprietors near them as opportunity affords; and they are also yearly taking over thousands of acres, which the State had given away at an almost nominal price, intending them for the benefit of a very different class of proprietors."

It is often assumed that, in England, public injury arises from the growing tendency to the consolidation of farms. If this consolidation arise, as it does, from economic considerations, it cannot be an injury, but is a gain to the country. The object of English agriculture, surely, is not to provide a comfortable subsistence to as many families as possible, but to produce as much surplus food as possible for an immense mining, commercial, and manufacturing population. The agitation against large farms is nothing new, but it exists now with much less reason than formerly.

It existed centuries ago, when the proportions of our

agricultural and non-agricultural population were very different, and when there was some valid ground for complaint.

Parliament formerly tried to stop consolidation of farms. In the time of Henry VIII., a statute was enacted to prevent a man from owning more than two thousand sheep, and to prevent also two farms being rented by one tenant. Many similar statutes were passed from the time of Henry VIII. to that of Elizabeth, when (in 1597) it was enacted (39 Elizabeth, c. 1), that all houses of husbandry decayed within seven years preceding, should be rebuilt, and from 20 to 40 acres of land attached to them. But at that time the majority of the population of England had to exist on the land, and live by the land. There were comparatively few manufactures, and no colonies.

According to Mr. SEEBOHM, the population of England was in 1600 about four millions, of which about three millions were agricultural. Now, out of our twenty millions, only five millions are agricultural. The condition of things is so completely altered, that it may well be, and I think, is a fact, that the same tendency might then be injurious which is now beneficial.

In the face of modern statistics, and of the facts within every land agent's experience, it appears to me a groundless alarm to consider that, even now, consolidation of farms is assuming formidable proportions.

In this country all economical forces have free play. In districts where economical reasons point to large farms, large farms are the result. In districts where economical considerations favour and point to small farms, small farms are the result. Proprietors or agents soon receive practical hints if they go too far in consolidating or dividing farms. We are all familiar with the reply of applicants for farms: "Thank you, Sir, for the

offer, but have you something smaller?" In this country of tenant farmers, the size of farms must of necessity follow the distribution of farm capital. If all proprietors decided to have nothing but 500-acre farms, most of the farms could not be let. There would not be a sufficient number of tenants possessing £4,000 or £5,000 to take them. Speculative writers may sometimes get a little confused between what they think ought to exist, and what really does exist. Those who are engaged in practical contact with the land and its cultivators are not so liable to this confusion. The logic of facts is very convincing. If I may be permitted to state my ideal as to the size of farms, it would be that of Mr. WOOLLEY; and that is an admixture of farms, with a regular gradation, the large or small predominating as economical or other considerations may determine. I thoroughly believe in the wisdom of the advice, "You will go safest in the middle path." In discussing this question we ought, I think, always to assume that all are animated with a spirit of moderation. The admirers of large farms do not wish to "improve" all the small occupiers off the face of the earth; nor do the admirers of small farms wish to go to the French extreme. Englishmen do not, as a rule, wish to carry out any system to its logical extremes. This may seem to some nations a weakness, but we think it is taking a practical view of things. Nature herself is in some things extremely illogical, and permits men to carry nothing to extremes without ill result. If all that is right could be found on one side in agriculture, politics, or religion, the world would be much simpler, and life would be much easier than it is. We should all be in the position of the judge in the story, who had only one side of the question to listen to, and so was not perplexed with conflicting evidence.

In proceeding to a comparison of the comparative advantages of large and small farms, I ought to define in

what sense I use the terms. It is impossible to use them without some degree of vagueness. The terms are, of course, relative only; but for the purposes of my remarks, any farm that is worked by the occupier, without hired labour, or only occasionally with hired labour, may, provisionally, be called a small farm. Any farm where the work is done by hired labour, where the occupier wholly or principally superintends, and which affords some facilities for machinery, may, provisionally, be termed a large one.

Any objection raised to the smallness of a 30-acre farm would, in a great measure, apply the more to one of 20, 10, or 5 acres, and *vice versâ*, any advantage which a 100-acre farm has, compared with 30 acres, would apply the more to one of 300 acres. There are practical limits, of course, obvious to all.

I shall refer solely to farms, and exclude market gardening altogether. Spade husbandry certainly pays under peculiar circumstances, such as nearness to towns, and for the special cultivation of garden produce; but in ordinary agriculture, so far as this country is concerned, it must be relegated to Mr. RUSKIN'S "Arcadia." We have the authority of Napoleon for saying that there is no natural order of battle; all depends on circumstances. We may equally say that there is no abstract system of husbandry. The system of farming is naturally determined by circumstances of climate, geological and surface character of soils, physical geography, density of population, &c.

On the wolds of Lincolnshire, with a moderately dry climate, where we see 100-acre fields of tolerably level ground growing turnips, and feeding large flocks of sheep, we cannot but feel that the land is devoted to the agriculture best suited to its characteristics. Similarly in the hilly regions of England, Wales, and Ireland, devoted to the rearing of stock and flocks of hardy mountain sheep, the

agriculture is limited by the wild and pastoral nature of the country. The soil is not good enough to feed, it is too steep and irregular to plough, and the climate is peculiarly adapted to grass. When we consider that a moderate undulation, with a small rainfall of from eighteen to twenty inches, characterises the east coast of England, and a high elevation, a more broken surface, and heavy rainfall of from thirty-six to forty inches characterises the west coast, it is not surprising that the production of grain is the speciality of the east, and grass of the west. Lincolnshire is said to grow one-fifth more wheat than the whole of Ireland and Scotland. In Nottinghamshire, with a medium climate, the proportions of arable and grass are much affected by the circumstance of a farm being upon the Keuper or Bunter division of the new red sandstone,—the former adapted for either grass or arable, the latter from its dry character, if not limited to yet more suited for arable cultivation. If, then, circumstances determine, to a great extent, whether a district is specially fitted for arable or grass, the description of farm, whether for breeding, feeding, dairying, or corn growing, will point out the limits of size best adapted to attain the end in view. The principal and most important advantage of small farming is that the work is done by the occupier himself, who has a direct personal interest in the result. The advantage of this must not be under-rated. In days when labour is not only high in price, but inefficient and costly, from the labourers' want of interest in their work, it is easy to realize why the small farmer is as successful as in many cases we know him to be. On the continent, where everything belongs to the occupier, who is the land-owner also, the result is, no doubt, a passionate intensity of labour. Labour costs nothing to the small occupier. Extremely economic methods of feeding stock, as in Flanders and Upper Bavaria, where the animal is not allowed to

spoil food by treading upon it, are only possible to the occupier who has not to pay for labour. Again, the wife of the small farmer is often his right hand, especially in dairy countries, and the labour of his children can be had without payment. Applying these facts to the different descriptions of farming, it is easy to see under what conditions a small farmer has an advantage.

If grass land be used for cheese-making or dairying, the direct interest of those who do the work tells in every operation with great effect—milking, alone, is a very important operation. In large dairies where paid labour is employed it is not entrusted to one person. A second follows him or her, to see that the work is well done, and to extract milk left by the first; every one that is conversant with the subject knows that gentle usage, good milking, regular feeding, and good nursing, are essential points in managing milking cows; and who is so likely to attend to these points as the owner of the cows himself? Butter and cheese-making, too, are delicate operations, and the result depends very much upon personal care.

If grass land be devoted to breeding and rearing stock, the small farmer who personally looks after his stock has some advantage, but, on the other hand, on purely grazing or feeding farms, an occupier with a little assistance could easily attend to the flocks and herds on many hundred acres, whereas a small occupier would not have his time fully employed.

In the purchase or sale of stock, the small farmer is quite equal to the large farmer. Education has but little to do with success in the cattle market.

With regard to hay, the small farmer is more at a disadvantage. Mowing machines can sometimes be hired from the large farmer, but they cannot be had when wanted, and with small inclosures cannot do the same amount of

work in the day. Haymaking machines he can seldom get ; but this may, perhaps, be balanced by the fact that his labour and that of his family has not to be paid for ; in carting hay, he is certainly not on equal terms with the large occupier. With respect to the extra capital sunk in houses and buildings on small farms, and the loss of land owing to small inclosures, I will, to prevent repetition, defer my remarks until I deal with Arable Land. In the loss of stock by disease or accident, the small farmer suffers severely. The loss of one beast out of a hundred is but a loss of one per cent ; but a loss of one out of four, is a loss of one-fourth of the live stock. It is true, that insurance is the remedy for this disadvantage, but the man whose scale of operations enables him to be his own insurer saves the profit of insurance companies.

It is in the arable land that the large farmer has so unquestionably the superiority. It is here that economy of labour by the use of machinery exercises so important an influence. First, with respect to inclosures, the disadvantage of small inclosures is no light matter, apart from the hedges harbouring weeds and shading the land from wind and sun, the positive abstraction of area is considerable, and the expenses of cultivation greatly increased. To illustrate this point I may refer to a Paper on the inclosures of Devonshire. It is therein shown that ten parishes, with an area of 36,976 acres, had 7,997 inclosures. The result was 1651 miles of fencing, and the area occupied by it was 2,642 acres, or one-fourteenth of the whole. The Oxtou Estate in Nottinghamshire had, in 1849, on 2,222 acres, 101½ miles of fencing. The inclosures averaged 3A. 1R. 18P., and the ground occupied by fencing was 110 acres, or five per cent. of the area. It may be said by admirers of the continental system, "Why not do without hedges to a great extent, as in France?" If this were done, how is meadow land to be protected from

stock? If stock are to do well, grazing land must also be divided, especially where it varies in quality. Sheep must be fenced on the turnips in winter, and seeds must be fenced in the summer. On the continent they do not appear to feed sheep on turnips, and do not seed down to the extent that we do. England is especially the country of sheep. England has on the same area forty-six sheep, and France only twenty-seven. The growth of turnips and artificial grasses for pasture is the peculiar feature of English agriculture. In addition to loss of ground, I need not refer to the expense of maintaining useless fences, and the increased cost of working small inclosures, which is a serious matter. With respect to horse labour, a small farmer is at a very great disadvantage. If a man has 33 acres of plough land, he must at least have a pair of horses to plough it. This, then, necessitates six horses per 100 acres of arable land. On a large farm of similar quality of land there would be about three horses per 100 acres of arable land. Three extra horses, to say nothing of the men to feed them, at an annual cost of as low as £75, is a serious item per 100 acres, absorbing a large proportion of the rent. The quantity of arable land that a team can work, depends upon the character of the soil, and of course the arable land of a farm should correspond to a given number of teams, but any quantity of plough land less than one team can easily work, is economically a loss.

The small farmer is at a disadvantage in the division of labour, though, perhaps, his direct interest in the work at every stage may, to some extent, counterbalance it. This direct interest has assumed lately an important aspect. Strikes have passed from trade to agriculture. Many have witnessed the volcanic eruption in Suffolk, and all have felt the shock of the earthquake. It is said that those who have felt the earth heaving under their feet, never fully recover

their confidence in its stability, and all who have been brought into contact with labour difficulties, and know the state of rural districts, and the dearth of young agricultural labour, will never again feel the same confidence in hired labour.

With respect to steam cultivation, the importance of which all recognize, the small farmer is not in a position to derive benefit from it. He can hire it, but he cannot get the machine when he wants it, and cannot reduce his staff of horses; the quantity of ground he can offer is not sufficient to tempt the owner of the machine, and he is thus largely cut off from the benefits of steam. Where a cultivator is kept, the saving in horses alone is often from 7s. to 10s. per acre.

Many implements, such as mowing machines, &c., a small farmer, if he uses them, has to hire with all its disadvantages, or, if he buys them, the cost per acre is very great. An implement worth £20 is £1 per acre on 20 acres of land, but only 2s. per acre on 200 acres of land. The annual repairs and fund for renewal are in proportion.

In the amount of capital sunk in houses and buildings, large farms have an economical advantage. A good house and buildings for a farm of 500 acres, could be built for about £6 per acre. I estimate that the cottage accommodation to work the farm would not cost more than £3 per acre more. If a man only occupied 10 acres, as in Flanders is often the case, his house in this country could not be built for less than £200. Here we have £20 per acre, irrespective of buildings. The annual repairs, and sinking fund for rebuilding, are of course in proportion.

In matters of drainage, again, how great are the facilities afforded by large estates; but I have endeavoured as much as possible to confine my remarks to the question of large and small farms. The economical advantages of mode-

rately large estates, and wealthy resident landowners, is a question in itself worthy of separate consideration. If I have not noticed the social, moral, and political advantages which admirers of small estates consider belong to them, neither have I, though somewhat tempted, insisted upon the social and political advantages which flow from the English constitution of property, deeming these matters hardly within our province as Surveyors.

I have said that the labour of the small occupier costs nothing, and that he can thus do things that it would not pay a large farmer to do; but it must be remembered that the small farmer is a consumer as well as a producer, and that, regarded in this light, his labour is anything but economical. If, in a system of large farms, one man's labour is required for every 40 or 50 acres, is there not every probability that the surplus produce is greater than under a system where four men or more have to live out of the proceeds of the 40 acres, before any surplus can arise?

Mr. MILL has an ingenious suggestion, that the gross produce in small farms may be greater on a given area; the net produce absolutely larger, and yet bear a smaller ratio to the gross produce. Is there any ground for this assumption? Take cereals first, and what does Belgium, the pet country of the lovers of small farms, show? Mr. JENKINS reports, in 1870, that Hainault, a province of large farms, carried off the palm in wheat, barley, and oats. The average of Belgium for wheat, in 1868, was twenty-four bushels per acre. Our standard average is twenty-eight to twenty-nine bushels per acre. Mr. JENKINS says, in 1868, the best small farms in the Pays de Waes, produced thirty bushels per acre; the average of the whole province of Hainault was twenty-seven bushels; and many farms in England produced an average of forty to forty-four bushels.

Then, with regard to stock, it is true that Belgium has nineteen cattle per 100 acres of area, as against England ten per 100 acres; but England has forty-six sheep per 100 acres, as against Belgium eight. And to make the comparison worth anything, the per-centage of cultivated land ought to be given. The parish of Epperstone, Notts, has twenty beasts per 100 acres of area. The 10-acre farm in Flanders, reported on by Mr. JENKINS, had at the rate of thirty beasts per 100 acres, but no sheep. On our own farm, the same year, we had twenty beasts and one hundred sheep per 100 acres, or reckoning, with M. DE LAVELEYE, eight sheep to one beast, the figures would be equivalent to thirty-two per 100 acres. What, then, becomes of the statement that small farms keep twice the amount of live stock that large ones do?

If my suggestions be sound, they tend to a feeling of satisfaction at the direction in which English agriculture is moving, though there is, of course, great room for improvement. To sum up my views, the result is this. The objective point of English agriculture is to produce as much surplus produce as possible to feed an immense and increasing manufacturing and town population. That system of farming, then, which does this, is best adapted to the wants of England. Cheap food,—the greatest amount at the least cost,—is our great necessity. What system affords this? Let all the economical forces have free play, as in England, and the question will be settled for us,—large farms here, small farms there, as they can hold their ground. I have endeavoured briefly to indicate under what conditions small farms are the best, and under what conditions large farms have the unquestioned superiority. I have endeavoured to show how the loss of area by unnecessary fences, the greatly increased cost of cultivating small inclosures, the increased number of men and horses employed, the

greater cost in buildings, the disadvantages in the use of machinery, are serious objections to small farms, and especially to minute farms. It is the cumulative force of these objections that I would insist upon. I have not alluded to the establishment of dairy factories, which is turning the flank of the small farmer's strongest position, nor have I touched upon many minor disadvantages, small perhaps in themselves, but important in the aggregate. However the Members of the Institution may follow my reasonings, calculations, and figures, I can honestly say it is with considerable diffidence I place them before so competent, so critical, and, to a young man, so trying an audience, but I am sure all will agree with me in considering that the time has arrived when we shall not rest satisfied with conjectures and guesses on a subject so important to the nation. Approximately, the facts are obtainable. Why, then, should they not be obtained? Is the subject of large farms and small farms, in their purely economical aspect, to be a battle-ground for another century, as it has been for the last? Is it still to be, like the case of "*Jarndyce versus Jarndyce*," in Dickens's story, a stock subject for old and young to argue the points; ever arising and never settled? Mr. BUCKLE has said that medical men for generations disputed very learnedly whether more boys were born than girls, until some one suggested the idea of counting them, and statistics then set the question at rest for ever. Is it not time to apply this useful, though perhaps very common, process of collecting and comparing facts and figures, to settle for us the economical results of large and small farms,—one of the most disputed questions in agriculture?

Mr. E. J. SMITH (Vice-President) said he was sure that all present would heartily concur in a vote of thanks to Mr. HUSKINSON for his very excellent and interesting Paper. As it raised a great number of points deserving of careful considera-

tion, and open to some differences of opinion, the most convenient course would probably be to defer the discussion until the next Meeting. Without wishing to forestall any remarks that he might wish to make on the next occasion, he might observe, generally, that circumstances of temperature, soil, and climate were elements of very considerable importance, in judging of the relative expediency of small or large farms in any particular district. His own experience convinced him that extremely large holdings were undesirable. He had only one farm with a rental of over £3,000 a year among his agencies, and this first came under his care upwards of twenty years ago, and every year had satisfied him more and more that any such size was inexpedient. He was convinced that there was scarcely any situation in England in which a farm should exceed £2,000 per annum ; and he was half inclined to go further, and to say that a farm of an annual rental of £1,500, or thereabouts, was the largest which could, in the present state of agriculture, be cultivated to the best advantage, both to the owner and the occupier. On the other hand, there were farms under his charge not exceeding 60 to 100 acres each, from which the occupiers, by activity and thrift, derived an income not much greater than that of agricultural labourers ; but as this was the result of their own enterprise, they were happy and contented with the results. Looking at the question practically, there could be no doubt that it was hopeless to fight against the advantages possessed by capital, and the economy of labour resulting from the employment of the machinery which it could command.

Mr. T. M. GEPP (Associate) begged to second the vote of thanks. He thought that Mr. HUSKINSON had every reason to be satisfied with the way in which his Paper had been received.

Mr. W. BROWN (Member) said that he had listened with very great pleasure to the Paper with which the Meeting had just been favoured. As Mr. SMITH had suggested, it would be well to defer the discussion to give the Members an opportunity of reading and considering its contents; and with that object in view, he would propose that the discussion should be postponed until the next Meeting.

Mr. W. L. HUSKINSON briefly acknowledged the vote of thanks, observing that any trouble which the Paper had cost him to prepare was more than repaid by the kind reception which it had met with from the Institution.

The vote of thanks was passed unanimously, and the discussion was adjourned until the next Meeting.

AT
THE ORDINARY GENERAL MEETING,

Held on Monday, May 10th, 1875,

THE PRESIDENT IN THE CHAIR,

A discussion took place upon the Paper read by Mr. W. L. HUSKINSON at the last Meeting, entitled "*Large Farms versus Small Farms.*"

The PRESIDENT said that he had received from Mr. BROWN, of Tring (who was prevented by illness from attending), some statistics extracted from the Board of Trade Returns, showing the tendency towards a consolidation of holdings, which would be found to be interesting in connection with the discussion. In a letter which accompanied the statement, Mr. BROWN expressed an opinion that "small farms are very desirable to enable careful and industrious men to improve their position, but for the benefit of the community at large, and to secure the fullest return for capital employed, farms of 400 acres of arable and 100 acres of grass, with a small addition which the locality may offer, such as down land, hops, or orchards, are the best, enabling tenants with sufficient capital, to keep a full set of necessary implements, and live comfortably."

The statistics were as follows :—

*“Extract from the Board of Trade Returns for the Year
1870, for England only :—*

	Number of Holdings.
Not exceeding 5 acres . . .	102,342
From 5 to 20 acres . . .	114,284
From 20 to 50 acres . . .	62,826
From 50 to 100 acres . . .	45,629
Above 100 acres . . .	71,488

“The quantity of land and per-centage occupied under each class of the above holdings is estimated as under :—

	Per cent. of Holdings.	Total Estimated Quantity of Land of each Class.	Per-centage of each Class to Total Quantity of Land.
Not exceeding 20 acres .	54	2,658,000	9
Between 20 and 100 acres	28	7,810,000	26
Above 100 acres . . .	18	20,000,000	65
	100		100

“The following Number of Farmers and their Holdings in Seventeen representative Counties of England, viz., Surrey (extra Metropolitan), Kent (extra Metropolitan), Sussex, Hants, Berks, Essex, Suffolk, Norfolk, Leicester, Rutland, Lincoln, Nottingham, Derby, Durham, North-umberland, Cumberland, and Westmoreland, are extracted from the Census of 1851 and 1871, as showing the tendency to the Consolidation of small Farms :—

Number of Acres belonging to each Farm.	Farmers' Holdings.	
	1851.	1871.
Under 50 . . .	25,688	22,679
50 and under 100 . .	13,451	10,483
100	9,145	7,341
150	5,650	4,706
200	4,459	3,927
250	2,471	2,324
300	2,186	2,226
350	1,127	1,166
400	1,703	1,824
500	1,006	1,098
600	567	666
700	319	390
800	243	270
900	128	188
1,000	206	249
1,200	128	159
1,500	94	84
2,000 and upwards . .	64	90
Total . . .	68,635	59,870."

Commenting on the foregoing, THE PRESIDENT observed that the statistics to which Mr. BROWN had called attention showed that, in the case of farms under 300 acres in extent or thereabouts, the number of holdings had decreased, but above 300 acres the number of farms had increased, with one exception, that of farms of 1,500 acres. Taking the whole period of twenty years, embraced in the return, the decrease in the number of farms seemed to be about 12 per

cent., showing a very decided tendency towards the amalgamation and enlargement of farms.

Mr. W. STURGE (Vice-President) said that all must be conscious of the gradual increase which had been taking place, for many years past, in the size of farms. He had no statistics bearing on the subject; but those which had just been quoted, confirmed the impression formed in his own mind that, during the last hundred years, there had been a gradual enlargement going on, accompanied by a corresponding decrease in the number of occupiers. There was a time when the old lines were quoted with approbation,

“ He who at the plough would thrive,
Himself must either hold or drive.”

But he recollected another old distich, which showed that many years ago that state of things was altering. It complained that, instead of

“ Son to the plough,
Daughter to the cow,”

it was

“ Son, Tally-ho !
Daughter, piano.”

so that the altered habits of the farming class were no new subject of remark. Within certain limits, he thought the change desirable, but he greatly feared that the tendency of things at the present moment was to accelerate the change in something like geometrical progression. English agriculture had to compete with the markets of all the world,—at all events, in the growth of wheat,—rendering it necessary that arable farming should be carried on in the most economical way possible; and there could be no doubt that the most economical way of managing an arable farm of any considerable extent, was by the employment of those numerous mechanical appliances which were exhibited in

increasing numbers every year at the meetings of the Royal Agricultural Society and of the Bath and West of England Society. This was only the correlative of what had been taking place for the last century in manufactures. There was a time—and he had even seen lingering traces of it within the last few years in the South of England—when the weaver's shuttle could be heard in the labourer's cottage. Manufacture of all kinds was now carried on by means of machinery, and the consequent cheapening of cost had resulted in an immense increase of production. The same revolution must, of necessity, take place—indeed, was now taking place—in agriculture, and the change would be quickened by the great increase in the value of labour. He could not say that he regarded this inevitable state of things with unmixed satisfaction, for the effect of it was to draw a hard and fast line between the occupier of land and the labourer, and between the manufacturer and the operatives in his employ. The results were to be seen in that apparently impassable gulf which separated capital from labour, as evidenced in the disastrous strikes and locks-out, which were such a marked feature of the present day, and which had increased to such an extent that every newspaper contained a column headed “CAPITAL AND LABOUR.”

So far as the general well-being of the community was concerned, it was advantageous, no doubt, from an economical point of view, that business of various kinds should be carried out by capitalists on an extensive scale, for a larger result was thereby secured at a less cost; but he could not say that he thought it so from a social and moral point of view. It seemed to be desirable that there should exist some gradation betwixt the capitalist and the working man—something to give the labourer or the artizan a chance to build upon and hold out to him the hope that he might, at some period or

another, himself become a master. In the agricultural districts with which he was most intimately connected (he referred to the west and south midland counties) this state of things actually existed, partly from the climate, partly from the broken, uneven nature of the country, and partly from the large amount of pasture farms of all sizes. Upon an average, the farms in those districts were smaller than in many other parts of England, and he was happy to say that he had known numerous instances of the labouring man gradually rising to be a peasant farmer, and even something more than a peasant farmer. He could cite a curious instance, occurring within his own experience, of an old lady who had been a domestic servant, and had married the servant-man of a landowner in the county of Somerset. At the time he (Mr. STURGE) first became acquainted with her, she was the occupier of a farm, at a rental of £400 a year, and kept a dairy of fifty cows—all the result of her own industry. Although this was, perhaps, the best instance he could give, he had known other similar cases of successful peasant farming. Such instances were, no doubt, rare; but they did something towards modifying the hard and rigorous relations of capital and labour, by giving the labouring man a hope that by industry and thrift he might be able, ultimately, to improve his position in life. So much for the social and economical view of the question. As regarded the purely commercial considerations of the amount of produce and the expense of securing it, he had no doubt whatever that moderately large farms were the best in those arable districts where the land was tolerably level and capable of being cultivated with the assistance of machinery, especially with the steam plough and steam cultivator, which, he was glad to say, were becoming increasingly used in all parts of the country. If he were asked what sized farm in a tolerably level arable district,

with good land and good climate,—such an one, in short, as a capitalist would be willing to take,—would be the best, he would say one from 400 to 600 acres. The landowner could secure for such a farm a tenant with sufficient capital to work it to advantage, and its extent would be sufficient to render available the modern appliances of machinery. He had great doubts whether any considerable number of farms, say of a 1,000 acres,—except upon the light chalks,—would not have to contend with the disadvantages of a very limited competition. There was sometimes great difficulty in letting them, and he need not say that it would be a very serious thing for a landowner to have any farms of that size unlet.

The next point to which he wished to refer was as to the best size for a dairy farm. It must be remembered that a farm of this kind was very differently circumstanced from an arable farm. He thought that, so far from the tendency being towards large dairy farms, there was occasion at the present time, in the South of England, for a change in the other direction. In past times there was no difficulty in obtaining the assistance of competent dairy maids, but the complaint was now general that they were not to be met with, the consequence being that the farmer's wife, who had been always in the habit of manufacturing the cheese herself and did it better than any dairymaid could do it for her, was obliged to do more and more of the work. That being the case, he thought it would follow that no increase was likely to take place in dairy farms unless the system of cheese factories should largely prevail; but whilst admitting that they would be useful in some localities, he could not say that he desired to see these factories entirely supplanting home manufacture.

According to his experience, the nearer to a large town, like his own city (Bristol), the smaller were the

farms. From 50 to 100 acres was a very common size, and the farmer's wife not only made the butter, but drove the cart round, and supplied private families on market days. In the cheese districts the farms were larger, especially where the large thick Cheddar, Somersetshire, or Wiltshire cheeses were made.

Another class of land still further west, where very little change had taken, or could take place, in the size of farms, was that to be found in the rugged districts of North Devon, where the farms were principally arable (perhaps one-third pasture and two-thirds arable), cultivated wherever the soil would admit of it with sheep and turnip husbandry. He had attempted to increase the size of some farms in that neighbourhood, throwing two or three holdings of 100 acres each together; but after some twenty years' experience of the results, he had been obliged to throw these 300-acre farms back again to their old condition. The difficulty was to get tenants in that poor climate and hilly neighbourhood. An increase in the price of labour had increased the difficulty, and he had had in the end to resort to the same class of peasant farmers—who were perhaps not peasant farmers in the strict sense of the word, that was to say, they did not do all the work themselves, but with the assistance of their families, and a hired man or two—whom he had endeavoured to displace. The general conclusion he arrived at was that, in arable districts where the land was level, the climate good, and the soil of fair quality, the increase in the value of labour would necessarily have the effect of increasing the size of the farms; but that in the dairy districts and the inferior arable districts, such as the hilly regions of the west, this would not be the case to any considerable extent.

Mr. H. M. JENKINS (Visitor) said that the author of the Paper had presented the many sides of this complicated

question in a very small compass, and with considerable ability. The Institution of Surveyors was more concerned with the economical aspects of the question of large *versus* small farms, than with some of the considerations referred to by the last speaker, and it was to these aspects that he proposed to confine his remarks. The author of the Paper did him the honour to quote from a report of his upon the agriculture of Belgium, the outcome of a visit to that country which he made in company with Dr. VOELCKER, at the request of the Royal Agricultural Society. He had, since that report was framed, devoted a great deal of attention to the question of large and small farms—or, as he preferred to state it, large and small farm systems—from the special point of view of their comparative production of food for the people, and had embodied certain of his results in a Paper which he read before the London Farmers' Club some two or three years ago. Mr. HUSKINSON, he feared, had not seen that Paper, and in reading the proceedings of the last Meeting, he could not help being struck with his repeatedly expressed desire for statistics with reference to the comparative production of food on large and small farms. That was precisely the question which he (Mr. JENKINS) endeavoured some two or three years ago to solve, and found surrounded with a great deal of difficulty. He would endeavour, in a few words, to give an idea of the principle which regulated the calculations contained in the Paper which he read before the Farmers' Club. It seemed to him that there were two classes of animals (using the word animal in a broad sense), viz., those which consumed food, and those which produced food. No doubt the animals which produced, also consumed food; but they did so simply to convert it from the vegetable into the animal form, while the other animals consumed food, and yielded nothing back in the shape of food for the people. In the one class he put men, women, children, and horses; in the

other class cattle, sheep, and pigs. That classification, though broadly correct, might, no doubt, be subject to certain criticisms; for instance, he did not take account of donkeys and the smaller domestic animals; but, broadly speaking, it was sufficiently accurate for the purposes of his calculations. His next step was to endeavour to ascertain, by means of the published statistics, the food-producing power of those countries which might be classed generally as large farm countries, as contrasted with those which might be classed as small farm countries, having found any comparison between large farms and small farms fallacious, and open to the objection that they were selected instances, and that other instances might justify inferences of a directly opposite kind. This objection, however, could not apply to whole countries, such as Belgium or Ireland, which were typical of small farm countries, as compared with England as representative of large farm countries. It was possible, by means of the statistics published by the Governments, to arrive at an approximate result. The great difficulty at the outset was to find out what was the relative amount of food consumed by an average horse as compared with that consumed by an average human being, and he came to the conclusion that the best way was to reduce the whole matter to the quantity of land needed to produce the amount of food required for each, supposing the culture to be in each case appropriate to the object in view. Objection might, no doubt, be taken to that method of procedure, but on the whole it seemed to be less liable to lead to wrong inferences than many which he had considered. He had arrived at the conclusion that the horse required something like eight times as much land to produce his necessary food as an average human being,—a statement which rather startled the Farmers' Club. But subsequent investigation, here and in other countries, had convinced him that his calcula-

tion was approximately correct. He found that in England (this was previous to the last census, therefore the comparison would now be much more in his favour in the large farm districts) there were engaged in agriculture an equivalent of thirty-one and a half human beings per hundred acres. This represented three horses (which absorbed the produce of as much land as would supply the necessary food to twenty-four human beings) and seven and a half human beings. Those thirty-one and a half human beings or human equivalents, would produce enough food for themselves and fifty-five and a quarter others that were feeding on the surplus products of English land, leaving as many as fifty-four and a quarter surplus ideal people (considering horses in the same way as before) to be fed on imports; or, to put it more concisely, out of a total of one hundred and forty-one ideal people, about fifty-five were fed on imports. Comparing England with Belgium, and taking precisely the same mode of calculation, the results would be found to be unfavourable to Belgium. He found that there were engaged in agriculture in Belgium no less than fifty-three ideal persons per hundred acres, as against thirty-one in this country, producing food for themselves and only forty-nine others, as against fifty-five in England. In other words, one ideal person would not produce quite sufficient food for himself and one other person, whereas in England, under the present system, one ideal person produced enough for himself and one and a half other people. In Belgium there were twenty-five and a half persons fed on imports, as against our fifty-four and a quarter (including horses in both cases), making their total one hundred and twenty-six, as against our one hundred and forty-one. The fact was it was generally overlooked, in comparing other countries with England, that they also had a very large excess importation of food. In Belgium the annual importation

amounted to from twenty to twenty-five per cent., according to the season, of the total amount of food consumed. So far as he was aware, that fact had never yet been stated by the gentlemen who had written so much in favour of the small farm system of Belgium; but any one who chose to refer to the Government returns, could satisfy himself of its correctness. These figures were the part result of an investigation extending over two years, which he had made in Belgium and elsewhere, and it struck him that it might be of interest to the Members to give this broad general outline, and refer them for details to the two Papers which were read before the Farmers' Club in December 1872, and March 1873. He would also say, with reference to the quotations made by Mr. HUSKINSON from M. DE LAVELEYE's work, as contrasted with the statements made by M. DE LAVERGNE, that although M. DE LAVELEYE was a very charming writer, he did not give precise facts and figures in support of his assertions. He declared, for instance, that whenever small farms were contrasted with large, the former bore off the palm. His own experience had been exactly the contrary, and M. DE LAVERGNE had previously made the statement that in England the produce per acre was almost twice as great as in the small farming districts of France. To give an instance of M. DE LAVELEYE's assertions, he might mention that in his essay on the rural economy of Belgium, he stated that, thanks to the wonderfully nourishing food which the cows received, they gave a large quantity of milk. It was all very well to put it in that way; but what he wanted to know was the nature of the food (which Dr. VOELCKER and himself had not considered remarkable for its nourishing properties), and what was the exact quantity of the milk? Mere conclusions, given in an indefinite way, were the reverse of useful for any practical purposes. Therefore, although Mr. HUSKINSON put these two writers in contrast, he could

not help thinking that they ought to give credence to those statements which were accompanied by definite statistics, in preference to merely general assertions devoid of any evidence whatever.

Mr. C. G. GREY (Member) could speak from his own experience as to the possibility of carrying too far the practice of laying together small farms in poor districts, such as were frequently to be met with in parts of Northumberland. His father was for many years connected with land in the north of England, and was a great advocate of the enlargement of farms. By consolidating holdings and putting up suitable buildings, he obtained tenants of intelligence, and carried out his principles in many instances with great success; but in one particular district (Hexhamshire), the plan^s had proved unsatisfactory, as the land was extremely poor, and it was difficult to find tenants for farms of 500 or 600 acres,—men with sufficient capital for a farm of that size preferring to lay it out upon land yielding a better return for their money. The consequence was, that he had been obliged to divide these farms again, and be satisfied with tenants who were content to make the best they could out of a farm of, say, 200 or 300 acres. His experience of small farms in Ireland was very considerable, and extended over a great many years, and his conclusion was that, where the land was pretty good, and the tenants were men of intelligence, a greater proportionate produce was secured from large than from small farms. It stood to reason that the removal of useless fences was not only a gain in actual land, but gave the further advantage of rendering possible the employment of labour-saving machinery.

There were, of course, exceptions to this rule. For instance, as Mr. STURGE had pointed out, dairy farming

depended very much upon the personal labour of the farmer and the farmer's wife; and large farms, where a great deal must of necessity be left to servants, were unsuitable for the purpose. While fully agreeing with Mr. STURGE as to the desirability of having a good many small farms, to afford the thrifty and careful a chance of rising,—and he knew many instances of their so doing,—he believed that nothing could be more undesirable than the system which prevailed in Ireland, where if a farmer wanted more land he could only obtain it in some detached situation,—the consequence being that, instead of his farm lying together, it was scattered about in different parts of the district. The whole question, however, was one which must be referred to individual experience, and be governed by special circumstances.

Mr. E. P. SQUAREY (Member) could claim, as coming from a district in which large farms were the rule, and small farms (at least over a great area) the exception, to speak with some knowledge of the question under discussion. It was peculiarly interesting to observe the different points of view from which the social and political economists of the past had considered the subject. M. DE SISMONDI, for instance, obviously approached it from its social point of view, whilst Mr. MILL regarded it simply in its wealth-producing aspects; but so far as surveyors were concerned, he ventured to think that the question was, up to a certain point, settled for them. Looking at England generally, it would be found that wherever there were large tracts of land well fitted for sheep cultivation and management and with a fair capacity for arable purposes, that land had naturally resolved itself, as it were, during a long course of years, into large farming areas. The management of those lands by the farmer himself was extremely simple. He had

only to direct the attention of his men to a particular object, and there was no great need, on his part, of special supervision of details. On the other hand, it would be found that, practically, no people but those who were seeking to emerge from the class of labourer into that of tenant farmer, could be induced to cultivate the poorer clayey and less productive class of soils, which were thus necessarily divided up into small holdings. The statistics furnished by Mr. BROWN called for some reference to the probable causes of decrease in the number of occupations. There seemed to him to be an outside cause operating much more actively than the economical consideration of the relative advantages of large and small farms. He referred to the gradual extinction of copyholds and long leaseholds, a circumstance which would obviously lead to the disappearance of a large number of persons who would come under the category of farmers. This was a very important fact towards determining the main cause of the decrease in the number of occupations during recent years. As to the maximum size of dairy or of arable farms, his experience indicated that, after all, the limit of size must depend very much upon the administrative powers of the tenant of the farm, and his ability to maintain its productive capacity. Whenever an individual was met with who successfully farmed large quantities of land, say 6,000 or 7,000 acres, it was due to the possession of a rare organising faculty which, exercised in any of the great manufacturing industries, would have enabled its possessor to accumulate very much more wealth than he could hope to gain by farming. But what happened when one of these exceptionally large farmers died? His farm immediately split up into the separate parts out of which it was constituted by its late occupier. In the great Salisbury Plain farms, he knew of no tenants now who held more than about 1,800 acres

of land, and these were very few indeed, although some years ago he remembered farms which comprised as much as 6,000 acres. The death of these exceptional men had reduced the area of those farms from 6,000 down to areas varying from 1,500 to 800 acres, which was now considered to be the most advantageous size for the farmers, and for the due cultivation of the land. As regarded dairy farming, he might mention that he had a friend who was an excellent judge of dairy matters, and who, having the opportunity of taking very considerable areas of water-meadow, and pasture lands, adjoining his own property, had owned, probably, as large a number of cows as any ordinary dairy farmer of his day. He had known him keep, at different farms, but under his own care, about three hundred cows in milk, and had often asked him why his stock should not be expanded into the thousand historical cows which, it was averred, could never be compassed by one owner. His answer was this: "Simply the bother." He had, he said, extreme difficulty, beyond a certain point, in finding people to look after his dairies, and if the active supervision necessary to keep things going were relaxed in the remotest degree, it became a loss instead of a profit. Thus this farmer, able administrator as he was, found that the limitation in his case was three hundred cows, and he could not get beyond it without a risk which was not worth incurring.

He could confirm Mr. GREY's experience with reference to small farms. He believed that they were not only necessary, but that they would be certain to hold their own; for an energetic man, who had saved a little money, had within himself the power of competing with the ordinary average A B C farmers, and could afford even to pay a higher rent for land than they could pay. It was, he believed, from this class—from the rising small farmers—that the large farmers of the next generation were to be

looked for. He was quite satisfied, from what he observed passing around him that the large farmers of the present day were indisposed to continue farming, as was evidenced by their putting their sons to trades and professions. The men whom land agents and surveyors must probably look to as the occupiers of large farms in the future, were those of the type just emerging from the class below the present occupiers of those farms.

Mr. W. EVE (Member) remembered that at the Farmers' Club, before which Mr. JENKINS read the Paper to which he had referred in his remarks, that gentleman's statement that the land necessary to produce the food for one horse, would supply food for eight persons, was seriously challenged, and he failed to obtain a single supporter. Mr. CLARE SEWELL READ remarked that it could only be true by assuming the horse to be kept like a racehorse, and the persons like inferior pigs.

Many of Mr. JENKINS' conclusions were based on the statement referred to, and therefore would be wrong if, as the speaker believed, his premises were incorrect ; but apart from this, the Paper contained some very valuable information, and would well repay a careful perusal.

He believed the capital and ability of the farmer to be the only limiting agent to the size of an arable farm ; for it was, of course, useless to put a man into a larger farm than he had capital or ability to manage. With dairy farms, it was a very different thing, and Mr. STURGE's remarks were particularly correct with reference to such farms, and supported the old theory that if you want a good dairy you must sleep with the dairymaid, a saying which meant nothing more than that your wife must attend to the dairy. The question, so far as it related to small arable farms, was admirably summed up by a very able farmer,—Mr.

CHARLES HOWARD. He said that a peasant farmer on an arable farm could only get on by working as hard as any two labourers, while living at the cost of one. He would give the lines, imperfectly quoted by Mr. STURGE, in their complete form, which was, he believed, as follows :—formerly it was,

“ Man to the plough,
Wife to the cow ;
Girl to the sow,
Boy to the mow,
And the rents were netted.”

Now it is,

“ Man,—Tallyho !
Miss,—piano ;
Wife,—silk and satin,
Boy,—Greek and latin,
And all are gazetted.”

He believed that to be strictly true as applied to small arable farms. Such farms were doomed to disappear, and it could hardly be otherwise, seeing that every description of labour had so greatly increased in cost that the only possible way to cope with that fact was to employ a greater amount of machinery, which was possible only on large farms. He thought the apprehensions as to an insufficient number of small farms to encourage the labourers in their exertions, were, for the present, at any rate, entirely groundless, seeing that fifty-two per cent. of the farmers of England and Wales were tenants of less than 20 acres.

At the discussion at the Farmers' Club, it was asserted that the horses on a farm consumed one-fifth of the produce. If that were so (though it was very much less than Mr. JENKINS' estimate), it became a matter of very great importance to lessen the number of horses employed in agriculture, an economy which, as Mr. HUSKINSON very ably put it, could only be accomplished by an increase in the size of farms. One word as to Mr. BROWN's statistics,

which were, he thought, to a certain extent misleading. Many persons, as was well known, not able to increase the size of the farms they occupied, took other farms in neighbouring parishes, and these appeared in the returns as separate holdings under different occupiers. That being so, he apprehended that the increase in the size of farms was going on at a greater rate than the statistics of Mr. BROWN would seem to indicate.

Mr. E. RYDE (Member) said that he feared the change in the habits of small farmers, as indicated in the rhymes which had been quoted, did not correspond very well with the actual experiences of the class to whom they were applied, for many of them had not the horse on which to ride to hounds. An idea seemed to prevail among those ignorant of the true facts of the case, that it was a bad thing for this country that the size of farms had been increasing, as they undoubtedly had, for some years past; and that small farms ought to be created by legislative enactment or in some other way. Except by the last speaker, the desperate struggles of the small farmer to live appeared to have passed unnoticed. The fact was, there was no harder life in this country than that of a man who farmed a small holding, and who could just manage to maintain a miserable existence by means of excessive exertion. To argue that it was for the good of the country, or for farmers themselves, that such a state of things should be perpetuated, showed an entire misconception of the position of these men. In a part of Surrey with which he was familiar, there were many of this class, whose surroundings bore all the evidences of extreme poverty, and spoke of a severe struggle to carry on in the barest way those necessary operations which they could not very well avoid. If by any accident they lost a cow, or a horse, they had to go round the district with a

sheet of paper, and ask the inhabitants to subscribe money to replace it. He had himself repeatedly received applications of the kind, and believed the continuance of such a state of things to be altogether undesirable. It was difficult, of course, to define what a small farm was ; but taking it, say, at 20, 30, or even 40 acres, he maintained that it was impossible to bring up a family on such farm in a this country, where everything had become so expensive. It was simply living from hand to mouth. Go down, on the contrary, to Salisbury and ride across the farms in that district, and what would be seen there? Instead of poverty and hardship, comfort and real luxury, and instead of broken gates, and ill-kept fences, everything tidy and in good repair, and bearing testimony to the fact that prosperity was with the large farms, and not with the small. The condition of the horses would, in itself, indicate the state of things upon large farms, as compared with smaller holdings. As regarded the large farms of the next generation, did it not come to this—that a farmer, like a man engaged in any other business, commenced in a smaller way than he left off? He began, say, with 200 to 250 acres and, as he went on prospering, gradually increased the size of his holding until he became a large farmer. It was in this way that tenants for the large farms of the next generation would gradually make their way to the front.

Mr. J. C. SIMONDS (Member) was of opinion that the soil and the climate of any particular locality must govern the question whether a district should be cut up into large or small farms. The heath, the wolds, and the fens, in his own country were generally held in large farms. The low-lands, which were cultivated as far back as the time of the Romans, were now more sub-divided than they were one hundred years ago, and the reason of the difference was, that the

heaths and wolds were adapted to the rearing and the production of food in the shape of sheep. As it was the sheep which paid the large farmer in the northern and western parts of his county, he did not think there was any tendency to lessen the size of these farms. As the last speaker had correctly said, the growth of farms generally kept pace with the prosperity of the farmer. In the low districts, more especially in the neighbourhood where he lived, the character of the country was altogether different. It was not adapted for large farms, and was split up into very small holdings, and the smallest freeholders were the men who bought the land at the dearest rate. As had been said, they did about double the work of any ordinary labourers, and lived at about half the cost; but they were content, because they were their own masters. Their labour cost them very little, and they were able, therefore, to compete very well with the larger farms in the production of wheat and potatoes. There were many farmers in his county who were labourers twenty years ago, and who owed their rise to habits of steadiness and frugality. These small farmers were not at so great a disadvantage with respect to mechanical appliances as was commonly supposed. They could hire not only for the cultivation of their land, but also for the thrashing; and the drawback of not having implements of their own was to some extent counterbalanced by the fact that it was to the interest of the man they hired to get on with his work, which was not always the case with larger farms where the labourers were engaged at so much a day.

Mr. T. M. GEPP (Associate) agreed with the views of Mr. RYDE, with reference to the position of the small farmer. He had, indeed, the semblance of independence; but not the reality. He was, in truth, less independent than

the man he employed, and lived in a state of miserable anxiety as to whether he should be able to pay his labourer or labourers weekly, and meet the next half-year's rent. As he knew, from his own experience of the class, they had frequently to appeal to the landlord for extension of time to pay their rents. Again, the little farmer could not compete with bad times, and unfavourable seasons. As a matter of sentiment he very much regretted that the small farmer had so little chance of getting on in the world and improving himself; but the difficulty was unavoidable, and arose out of the altered condition of things. As was pointed out by Mr. RYDE, the loss of a beast was almost ruin to a man of the kind. He could not even grow roots with profit, for he had not the means of purchasing the animals to consume them on the land. It was, he repeated, much to be regretted that the race of small farmers was disappearing, for they formed a very valuable national element in this country, especially in providing good domestic servants.

Mr. W. L. HUSKINSON (Member), in reply, said that it was not, he hoped, too much to say that the greater part of the discussion had been a confirmation of his statements, and the remainder a qualification of them, and his calculations seemed to have been accepted as approximately correct. The question might be looked at socially, nationally, and economically. With regard to the first two, it was a question of object. It might be said that the object of agriculture in every country was the same, viz., to obtain the maximum of gross produce; but, looking upon a population like that of England, where so many were engaged in manufactures, as contrasted with Prussia, where three-fourths were engaged in agriculture, it was difficult to avoid the inference that the main object of agriculture in this

country was to produce as much surplus food as possible for the non-agricultural portion. With regard to the moral view of the question, it sometimes seemed the destiny of the world that poetry should be taken out of human life altogether. The buzz of the machine was no longer heard in the labourer's cottage: poetry was certainly deserting manufactures. It was the same with maritime life. He was delighted as a boy with the sight of a frigate in full sail; but now he went into the Royal Academy and found that the frigate of his boyhood had degenerated into a monster called the "*Devastation*." The same thing had occurred in agriculture, and a rapid transition was going on from poetry to fact. *Apropos* to the statistics compiled by Mr. JENKINS, he could not refrain from saying that the attitude of the Government towards information of the kind was not very creditable to the age. It was hardly in keeping with the national importance of the subject for the Government to say to the most stupid and prejudiced of farmers, "Gentlemen, here is a paper; we shall be obliged if you will fill it up—but you can put it in the waste paper basket, if you prefer to do so." He felt some alarm in introducing a subject which, out of doors, had been debated with so much heat and passion; but he was very happy to find that the discussion had been kept by the Institution entirely out of the atmosphere of partizanship. In conclusion, he begged once more to thank the Members for the kind reception given to his Paper.

The PRESIDENT observed that the speakers had discussed the question so fully, that there was very little left which he could say either with propriety or advantage. It appeared to him that the subject might be regarded, as the author of the Paper put it very fairly, under three aspects, viz.:—the economical, the social, and the national; but although it

was susceptible of division into these three heads they ran very much into one, namely the economical, which was, after all, the aspect which surveyors were mainly called upon to consider. The question with the Institution was how to make the best of the land; or, in other words, to make it yield the greatest rent to the owner? It might, at first sight, appear a very limited view, but he believed it was perfectly true, that the rent of land rested wholly upon the amount, not of gross but of net produce which could be obtained from it. The best method of dealing with land, so as to secure the largest results, must depend upon various considerations, such as climate, situation, rainfall, cost of labour, and peculiarities of soil, which must determine whether it would be more profitable to cultivate it as arable or pasture in large arable areas or in small farms for breeding, feeding, or dairy purposes. It was, after all, the economical question which was at the bottom of the whole matter. So far as the social aspect was concerned there could, he thought, be no doubt that the great desideratum in this country, and in all countries, was that all labour should be employed in that particular class of industry which yielded the greatest result to the labourer himself. It was not, therefore, a question of how much labour could be possibly employed upon land; for if there were other pursuits on which that labour could be more profitably bestowed, it was desirable that the labour on land should be reduced to a minimum. The real question was how to produce the largest net produce; for it was net produce, not gross produce, that was required for the welfare of the whole community; and consequently, if by any amount of machinery manual labour could be dispensed with, it was an advantage to the labourer himself, because it left him at liberty to employ himself in some other and more profitable occupation—a matter of no great difficulty in this country, considering that agricultural labour

received the lowest scale of remuneration, far below what a man would obtain in any manufacturing or mercantile pursuit. In the same way as the employment of horses relieved man from labour, so would the use of steam save the labour of horses, and great advantage would result, since a diminution in the number of horses left a larger amount of food for the sustenance of human beings. So far as regarded both the individual and the nation, that system was the best which enabled every man to carry his labour to the best market. Besides the mere accumulation of wealth, there were, it was urged, the questions of independence, happiness, and virtue to be considered. It was somewhat difficult to say in what happiness altogether consisted, and as to virtue, it was a point on which the patient must minister very much to himself, but independence could be, to some extent, promoted by directing labour into the most profitable channels; for, in proportion as the material condition of a man was improved, those virtues which he possessed were more easily developed and exercised, since a life of privations and difficulties was not particularly favourable to the growth either of happiness or virtue.

By all practical endeavours to obtain the greatest net produce from land, under the various conditions by which it was affected, they were acting upon the soundest economical principles, and were best promoting the social well-being of the nation at large. Exceptional cases proved very little with respect to the relative merits of large or small farms. All that could be done was to judge of such questions by the mass and general tendency. If he were to quote instances of success which he had met with in small farms, they might be cited as a great argument in favour of such farms; but those instances were of a purely exceptional, and not of an ordinary character. The general conclusion he came to was that it was impossible to lay

down any absolute rule with reference either to the size or the most suitable character for farms. Everything depended upon circumstances. He believed that the man would succeed best who best estimated the various contributory circumstances without attaching undue weight to any abstract theory whatsoever.

The Meeting then adjourned.

THE ANNUAL GENERAL MEETING,

Monday, May 31st, 1875.

THOMAS HUSKINSON (PRESIDENT) IN THE CHAIR.

Messrs. J. H. CLUTTON and H. A. HUNT, JUN., having been requested to act as Scrutineers of the ballot for the Election of Council, the balloting list submitted by the Council in accordance with the bye-laws, and the record of attendance of the Members of Council, were read, and the ballot declared open.

The Report of the Council on the state of the Institution, and the Statement of Receipts and Expenditure for the year 1874, were read.

RESOLVED—"That the Report of the Council and the Balance Sheet be received and approved, and be printed and circulated with the 'Transactions.'"

RESOLVED—"That the thanks of the Institution be given to Messrs. A. GARRARD and R. VIGERS for the efficient performance of their duties as Auditors, and that they be requested to continue their services for the ensuing year."

RESOLVED—"That the thanks of the Institution are due and be given to the President, the Vice-Presidents, and the other Members and Associates of Council, for the able manner in which they have administered the affairs of the Institution."

RESOLVED—"That the thanks of the Institution be given to Mr. JOHN WORNHAM PENFOLD (the Honorary Secretary), to Mr. JULIAN C. ROGERS, to the Treasurer, and other Officers of the Institution, for the manner in which they have executed their several duties."

The ballot having been closed, the Scrutineers reported that the following gentlemen had been elected as Council for the ensuing year :—

President.

THOMAS HUSKINSON

Vice-Presidents.

JEREMIAM MATHEWS

EDMUND JAMES SMITH

JOHN OAKLEY

WILLIAM STURGE

Members of Council.

WILLIAM JAMES BEADEL

CHARLES JOHN SHOPPER

VIRGOE BUCKLAND

ELIAS PITTS SQUAREY

THOMAS CHATFEILD CLARKE

CHARLES STEPHENSON

HENRY CRAWTER

FRANCIS VIGERS

ROBERT COLLIER DRIVER

DANIEL WATNEY

EDWARD RYDE

THOMAS SMITH WOOLLEY

Associates of Council.

RICHARD BOXALL GRANTHAM

JOHN HORATIO LLOYD

RESOLVED—"That the thanks of the Meeting be given to Messrs. J. H. CLUTTON and H. A. HUNT, JUN., for their services as Scrutineers."

A vote of thanks to the President for his conduct in the Chair having been passed unanimously, the Meeting separated.

THE SEVENTH ANNUAL REPORT OF THE COUNCIL.

ANNUAL GENERAL MEETING, MAY 31st, 1875.

IN reviewing the position of the Institution at the close of the seventh year of its existence, the Council have the agreeable duty of congratulating the Members upon its steady progress, and the growing evidences of the estimation in which it is held by all interested, directly or indirectly, in the profession which it represents.

The prosperity of the Institution has been so apparent as to render comment almost superfluous, and beyond indicating a few directions in which the more active co-operation of Members would result in advantage to the Institution, the Council have little to add to the eloquence of statistics.

The number of new Members elected has been greater than in any previous session, and among the names to be found, for the first time, in the list, will be noticed those of several gentlemen whose association with the Institution is a matter of satisfaction to the Council.

The Council have the painful duty of announcing the decease of several Members during the past year. Since the last Report was issued the Institution has lost, by death, Mr. W. CULSHAW, of Liverpool, who had an extensive professional reputation in the North and North-west of England; Mr. J. L. HORNBLOWER, formerly of Birmingham; Mr. L. SPOONER, and Mr. T. MARR JOHNSON, the latter of whom was widely known in engineering circles, and was one of the earliest Associates of this Institution. Some facts relating to their several careers will be found recorded in the Obituary attached to this Report.

Since the date of the last Report, 1 Honorary Member, 31 Members, 16 Associates, and 4 Students have joined the

Institution, which now numbers 6 Honorary Members, 269 Members (three of whom have been transferred from the class of Associates), 101 Associates, and 11 Students, or 387 of all classes.

The yearly Balance Sheet, taken in connection with the supplementary Balance Sheet hereto annexed, will show at a glance the sources from which the funds have been derived, and the manner in which they have been administered.

It will be observed that the revenue arising from subscriptions has largely increased during the past year, and that a substantial item appears under the head of "Hire of Arbitration Rooms," enabling the Council to apply a considerable sum from revenue to the settlement of the builder's account, without increasing the capital debt of the Society.

The considerable total surplus at the date of this Report has further enabled the Council to make arrangements for redeeming £500 worth of Debenture Bonds, and it is hoped that each year may witness a similar reduction of these liabilities.

In their last Report the Council announced that in granting a lease of the first-floor offices, they had reserved the right of resuming possession at any time for the purposes of the Institution. The occasion for the exercise of this reservation has, in their opinion, arisen, owing to the increased demand for the use of rooms for the purposes of arbitrations. Increased accommodation will, it is believed, result in a large additional revenue from this source, and notice has accordingly been served upon the tenants to give up possession of the premises at Michaelmas next.

During the recess, several improvements will be effected in the warming, ventilation, and acoustic qualities of the Lecture Hall, and other arrangements ensuring additional convenience to those using the rooms for meetings of various kinds, will be carried out before the commencement of the next session.

The Council have the pleasure of recording several remarkable acts of liberality on the part of Members during the past year. First, the Institution is indebted for the gift of four Debenture Bonds of £25 each to a Donor who wishes his name to be withheld, but whose identity, from

the manner of his gift, Members will have no difficulty whatever in determining.

Next, the Council have on behalf of the Institution to tender to Mr. T. T. WING, their hearty acknowledgment of his liberality in presenting the Society with the imposing Presidential chair, which forms such a conspicuous ornament of the Lecture Hall, and which it is hoped may in time become historically associated with the Presidency of some who are now but Students of the Institution, and who may look forward to occupying it as one of the distinctions of an honourable and successful career. It was Mr. WING's intention to perpetuate the memory of the Presidency of Mr. JOHN CLURTON, through the medium of this gift, which would have been presented before but for the delays incidental to the preparation and carrying out of such an elaborate design.

Thirdly, the Council wish to call attention to the fact that the expensive alterations in the street entrance, announced as in contemplation in the last Report, have been carried out at the sole cost of Mr. R. C. DRIVER, and Members will appreciate equally the value of the improvement and the liberality which has relieved the Society of the burden of this necessary outlay.

The Balance Sheet for the year ending December 31st, 1874, shows the following results:—

RECEIPTS.				EXPENDITURE.			
	£	s.	d.		£	s.	d.
Total Revenue	1,385	1	5	Total Payments out of			
Revenue Balance in hand,				Revenue,—			
January 1st, 1874 . . .	190	12	11	Current Expenses . . .	1,138	7	1
Entrance Fees and Life				Transferred to Capital . .	260	0	0
Composition carried to				Revenue Balance in hand,			
Capital Account.	255	3	0	December 31st, 1874 . .	177	7	3
Transferred from Revenue	260	0	0	Total Payments out of			
Donation to Building Fund	100	0	0	Capital,—Buildings, and			
Ditto for Clock	25	0	0	Furniture	951	14	3
Capital Balance in hand,				Debentures paid off . . .	125	0	0
January 1st, 1874 . . .	443	1	2	Capital Balance in hand,			
				December 31st, 1874 . .	6	9	11
	<u>£2,658</u>	<u>18</u>	<u>6</u>		<u>£2,658</u>	<u>18</u>	<u>6</u>

In addition to the above cash balances, Stock to the amount of £168 18s. Consols and £407 1s. 9d. New Three

per Cents. (of which £100 is invested on the Library account) stood to the credit of the Trustees of the Institution on the 31st of December, 1874.

A summary of the receipts and expenditure for the present year, up to this date, is as follows:—

RECEIPTS.			EXPENDITURE.		
	£	s. d.		£	s. d.
Total Revenue . .	1,320	15 9	Total Payments out of Revenue, Current Expenses . . .	649	6 3
Revenue Balance in hand, January 1st, 1875	177	7 3	Interest on Mortgage Debentures . .	115	19 10
Entrance Fees, carried to Capital Account	187	13 6	Revenue Balance in hand, May 25th, 1875	732	16 11
Capital Balance in hand, January 1st, 1875	6	9 11	Payments out of Capital—Furniture, &c. . .	13	19 6
			Invested in Consols	168	0 0
			Capital Balance in hand, May 25th, 1875	12	3 11
	<u>£1,692</u>	<u>6 5</u>		<u>£1,692</u>	<u>6 5</u>

In addition to the above cash balances, the amount of Stock now invested in Consols is £347 3s. and £407 1s. 9d. in New Three per Cents.

The Library balance in hand is £182 13s. 9d. in addition to the £100 invested in New Three per Cents.

The total liabilities on current expenses amount to about £80.

The balance of £725 (alluded to in the last Report), due to the Contractor in respect of the new buildings, was in due course cleared off.

Owing to the interest excited by prospective legislation with reference to the relations of Landlord and Tenant, and the desire of Members to have the subject thoroughly discussed, fewer Papers than usual have been read at the evening Meetings.

It was, felt by the Council that other subjects of consideration might well wait for a time, in view of the importance of affording an opportunity for the expression of the opinions of the Members on a subject upon which they are so peculiarly qualified to speak practically and

dispassionately, and the resulting legislation, now under discussion, approves the wisdom of the course taken by the Council.

The new volume of the *Transactions* will be found to contain much useful information on other subjects. It will not appear invidious—since it marks the completion of a plan formed by the Council—to refer to the excellent Paper by Mr. STURGE. This Paper finishes the series descriptive of the Agricultural Geology of England,—a series which will form, in conjunction with the long expected surface maps of the Geological Survey, a valuable aid to Surveyors in determining the special characteristics and aptitudes of the various soils and subsoils available for husbandry.

The donations to the Library Fund have assumed very satisfactory proportions during the past year, and it is hoped that Members will continue to support this useful adjunct of the Institution.

The Catalogue of the Library, issued soon after the last Annual General Meeting, was prepared with great care, and it is hoped has proved useful to Members.

The Council again urge upon Members the importance of maintaining the supply of Papers. By contributing Papers the younger Members will not only be rendering a useful service to their profession, but will find in their preparation an important aid to that self-culture so essential to their future success.

It cannot but have been observed that, hitherto, the Papers have been mainly contributed by a small section of the Members, who have placed the special knowledge and experience they possess unreservedly at the service of the general body. The Council would gladly see a more widespread readiness on the part of Members to add their literary contribution to the common stock, in order that the *Transactions* may become (what the Council desire to see them) a store-house of practical information upon every subject with which the surveyor is called upon to deal.

In conclusion, the Council thank the Members for the confidence reposed in them, and for the many marks of kindly support which they have from time to time received.

Dr.

STATEMENT OF RECEIPTS AND EXPENDITURE

RECEIPTS.				REVENUE		
		£	s.	d.	£	s.
1874.						
219 Members' Subscriptions for 1874, at £8 3s.	- - -	689	17	0		
2 " " in advance for 1875, at £8 3s.	- - -	6	6	0		
4 New Members' " at £8 3s.	- - -	12	12	0		
2 Members' Arrears for 1871	- - -	6	6	0		
1 " " 1872	- - -	3	3	0		
4 " " 1873	- - -	12	12	0		
					780	16 0
73 Associates' Subscriptions for 1874, at £2 2s.	- - -	153	6	0		
2 " Arrears for 1873	- - -	4	4	0		
					157	10 0
5 Students' Subscriptions for 1874, at £1 1s.	- - -	5	5	0		
2 " Arrears for 1873	- - -	2	2	0		
					7	7 0
Rent of Offices and Hire of Arbitration Rooms	- - -					895 18
Dividends	- - -					477 5
Cash in hands of Secretary and Treasurer, January 1st, 1874	- - -					12 8
						190 12

£1,575 14

CAPITAL						
		£	s.	d.	£	s.
24 New Members' Entrance Fees for 1874, at £5 5s.	- - -	126	0	0		
1 Member's Entrance Fee, Balance on Transfer	- - -	2	2	0		
					128	2 0
17 New Associates' Entrance Fees for 1874, at £3 3s.	- - -	53	11	0		
1 Member's Life Composition	- - -	31	10	0		
2 Associates' Life Compositions	- - -	42	0	0		
						255 8
Cash Transferred from Revenue for Building	- - -					260 0
By Donation to Building Fund	- - -					100 0
" for Clock	- - -					25 0
Balance in hands of Treasurer, December 31st, 1873	- - -					443 1

£1,083 4

LIBRARY						
		£	s.	d.	£	s.
Donations, 1874	- - -					86 15
Dividends	- - -					4 18
Balance in hands of Treasurer, December 31st, 1873	- - -					79 1

£120 15

S U						
		£	s.	d.	£	s.
Revenue Account	- - -					1,575 14
Capital	- - -					1,083 4
Library	- - -					120 15

£2,779 13

ASSETS A N						
		£	s.	d.	£	s.
Cash in hands of Treasurer and Secretary	- - -					265 8
Value of Furniture and Books	- - -				1,400	0
Invested in New Three per Cents. and Consols	- - -				457	10
" " Library	- - -				100	0
Subscriptions and Entrance Fees due but unpaid at date, estimated to produce	- - -				58	0
Value of Premises, No. 12, Great George Street	- - -				5,000	0
Rents	- - -				77	11
Fees for use of Rooms, due, but unpaid at date	- - -				121	8

£7,479 18

REVEYORS.

THE YEAR ENDING DECEMBER 31st, 1874.

Cr.

COUNT.

EXPENDITURE.

1874.	£	s.	d.	£	s.	d.
ance -	246	17	8			
and Taxes -	5	5	0			
Light, and Water -	84	7	4			
	55	14	5			
st on Loans				392	4	3
s -				101	14	8
ery, Postage, Receipt Stamps, Books of Account, &c.				12	18	10
ations and Parliamentary Papers				40	0	0
es and Wages				4	15	0
nd Coffee at Meetings				358	1	9
hold Effects, &c.				9	19	6
keeper's Petty Cash Expenses				11	1	10
ation of Transactions—Printing	169	11	2	19	3	0
Covers and Binding	4	16	0			
Reporting	18	8	6			
	192	15	8			
Less Sale of ditto	15	6	5			
				177	9	3
al Printing -				10	19	0
ferred to Capital Account for Building -				260	0	0
				1,398	7	1
n hands of Secretary	20	0	0			
" Treasurer	157	7	8			
				177	7	8
				£1,575	14	4

COUNT.

	£	s.	d.
ents on Account of New Buildings and Alterations	742	16	7
ure and Fittings	208	17	8
enture Bonds of £25 each	125	0	0
ce in hands of Treasurer	6	9	11

£1,088 4 2

COUNT.

	£	s.	d.
ase of Books, Maps, and Geological Specimens	89	4	0
ce in hands of Treasurer	81	11	4
	£120	15	4

RY.

	£	s.	d.
se	1,398	7	1
t	1,076	14	8
y	89	4	0
ce in hands of Treasurer and Secretary	265	8	6
	£2,779	13	10

ABILITIES.

	£	s.	d.
Quarters' Rent, due Christmas 1874	187	10	0
Housekeeping, Printing, and various Accounts	98	10	0
st due on Debentures	82	17	1
enture Bonds at £25 each	2,750	0	0
e	4,411	0	11

Examined with the Books and Vouchers, and found correct,
May 26th, 1875.

£7,479 18 0

ROBERT VIGERS,
ARTHUR GARRARD, } Auditors.

APPENDIX TO VOL. VII.

Obituary.

W. CULSHAW (Member) was born at Ormskirk in the year 1807, and commenced life in very humble circumstances, his father being a joiner and small builder in that town. In the year 1833 Mr. CULSHAW, who was brought up to his father's trade but was of an ambitious temperament, and obtained employment in Liverpool, with MESSRS. LEATHER & RIDINGS, Architects and Surveyors of Romford Court, where his energy and ability were speedily recognized, and resulted in his rapid advancement to positions of trust and responsibility. Mr. CULSHAW subsequently went into business on his own account, devoting himself mainly to taking out quantities for small builders. It was not long, however, before his remarkable knowledge of property in Liverpool and general shrewdness as an adviser in matters of investment, gained him a practice as a Valuer so extensive that nothing but his untiring energy and devotion to business could have enabled him to cope with it successfully.

Mr. CULSHAW was largely employed by public Companies and Corporations in acquiring property for their undertakings, his clear apprehension of intricate details and directness of purpose securing the confidence of his numerous employers. It may be mentioned that he acted as buyer for no less than eleven Railway Companies. The land acquired by the Cheshire Lines' Committee for the New Central Station, in Ranelagh Street, was all bought by him, and he was frequently employed by the Corporations of Blackburn, Barrow, Whitehaven, Leeds, Liver-

pool, and the authorities of the Isle of Man, and, at the time of his death, was actually engaged as arbitrator for the Corporation in the protracted proceedings connected with the purchase of land for the disposal of the sewage of Blackburn. So much confidence was placed in his estimates of the value of property that, for many years, he held the office of assessor of rates for new property in Liverpool.

Mr. CULSHAW united the profession of Architect with that of Surveyor, but confined himself principally to the work for which he felt that he had a special aptitude. Nevertheless, he carried out, in association with his partner Mr. SUMMERS, several important public buildings in Liverpool and its neighbourhood. During this partnership, which terminated in March 1873, the firm designed, among other structures, the Law Association Rooms, the National Bank Buildings, the Walton Workhouse, the Southern Hospital, and the Midland Goods Depôt in Victoria Street. The success which Mr. CULSHAW enjoyed he owed entirely to his own indefatigable perseverance and personal integrity of conduct, traits of character which enabled him to accumulate, not only an enormous material fortune, but even a greater wealth of trust and confidence from people of all shades of opinion.

Mr. CULSHAW was one of the first Members to join the Institution after its formation, and always evinced a lively interest in its welfare. He died in the month of August, 1874, aged 67 years, leaving a widow and a family of eight children.

THOMAS MARR JOHNSON (Associate) was born at Appleby, in Lincolnshire, in the year 1826. After a pupilage of four years under Mr. DYKES, of Houghton, he entered the office of Mr. JOHN FOWLER, the engineer, where he speedily developed the professional talents for which he

became subsequently distinguished. While with Mr. FOWLER, he was engaged upon many important works; among others, on the Mid-Kent Railway, the Farnborough Extension of the West End and Crystal Palace Railway, and upon large drainage and reclamation operations in the county of Norfolk. His reputation as an engineer was, however, specially identified with the construction of the Metropolitan Railway, the works of which were entrusted mainly to his supervision under the direction of Mr. FOWLER.

In the year 1870, having left Mr. FOWLER, he became a partner in the firm of G. SMITH & Co., the builders and contractors, and was occupied from that time till his death in the erection of some buildings of great magnitude, notably the new Town Hall at Manchester, and Eaton Hall, Cheshire.

Mr. JOHNSON joined the Institution of Surveyors as an Associate in July 1868. He died on the 20th of July, 1874, in the 48th year of his age.

LUCIUS HENRY SPOONER (Member) was a son of the late Archdeacon Spooner. After some years residence in Scotland, where he was largely engaged in drainage operations, Mr. SPOONER became agent for the Rufford estate, in Nottinghamshire. On relinquishing this agency he removed to London, where he carried on a general business as land agent and surveyor.

Mr. SPOONER joined the Institution in January 1872, and died on the 20th December, 1874, at the age of 57.

LIST OF DONATIONS AND CONTRIBUTIONS TO JUNE 1st, 1875.

DONATIONS OF BOOKS, MAPS, &c.

DONORS.	TITLE OF WORK.
<i>Agricultural Gazette</i> , Editor of the	"The Agricultural Gazette," 1875.
<i>Architect</i> , Editor of the	"The Architect," 1875.
Bath and West of England Agricultural Society	"Journal," Vol. VI.
	"Rural Economy in its relation with Chemistry, Physics, and Meteorology." By J. B. Boussingault.
	"The Vegetable Kingdom." By J. Lindley.
	"Agricultural Tenancies" By G. W. Cooke.
	"The Law of Landlord and Tenant." By J. M. Mathew.
Blount, W.	"Practical Treatise on Ecclesiastical and Civil Dilapidations," &c. By J. Elmes.
	"Natural History of Fossils." By E. Mendes Da Costa.
	"Husbandry," and "Book concerning Trees." By L. Junius Moderatus Columella.
	"British Flora." By J. Lindley.
	"The Law of Evidence." By J. Tamlyn.
Brown, W.	"History and Antiquities of the Hundred of Desborough, and Deanery of Wy- combe." By T. Langley.
<i>Builder</i> , Editor of the	"The Builder." 1875.
<i>Building News</i> , Editor of the	"The Building News." 1875.
Caird, J. A. H.	"Notes on Sheep Farming in New Zea- land." By J. A. H. Caird.
	"Elementary Principles of Carpentry." By T. Tredgold.
	"Treatise on Road Legislation and Man- agement." By R. Bayldon.
	"Landed Property; its Sale, Purchase, Improvement, and Management." By E. Cross.
Clutton, J.	"Student's Instructor in Drawing and Working the Five Orders of Architec- ture." By P. Nicholson.
	"Account of the Mode of Draining Land." By J. Johnstone.

- "Treatise on the Principles and Practice of Levelling." By F. W. Simms.
 "Practical Irrigator and Drainer." By G. Stephens.
 "Remarks on the Present System of Road-making." By J. L. McAdam.
 "Treatise on the Practical Drainage of Land." By H. Hutchinson.
 "Outline of a Method of Model Mapping." By J. B. Denton.
 "Student's Guide to the Practice of Measuring and Valuing Artificers' Works." By E. W. Tarn.
 "Treatise on Roads." By Sir H. Parnell.
 "History and Survey of London and its Environs." 4 vols. By B. Lambert.
 "Traité de l'Art de la Charpenterie." 2 vols. With book of Plates. By A. R. Emy.
 "American House Carpenter." By R. G. Hatfield.
 "Land Steward." By G. A. Dean.
 "History and Antiquities of the Town of Newark." By W. Dickenson.
 "British Farmer's Cyclopædia," A.D. 1808. By T. Potts.
 "Historical Tour in Monmouthshire." 2 vols. By W. Coxe.
 "Collections for the History of the Town and Soke of Grantham." By E. Turner.
 "History and Antiquities of the Town and County of the Town of Nottingham." By J. Throsby.
 "Antiquities of Warwickshire," A.D. 1656. By W. Dugdale.
 "Index to the Estate Exchange Registers." 1875.
 "Account of the Measurement of Two Sections of a Meridional Arc of India." By Sir George Everest.
 "Journal of the Farmers' Club." 1875.
 "The Field." 1875.
 "Homes for the Working Classes." By J. Holes.
 "Pamphlet on Tenant Right." By C. F. Humbert.
 Quarterly Journal of the "Geological Society." Vol. XXX. Parts II. and III., in continuation of a previous donation.
 "Minutes of Proceedings of the Institution of Civil Engineers." Vols. XXXVII., XXXVIII., and XXXIX. Sessions 1873-74, 74-75.
- Clutton, J. - - - {
 Dunlop, A. M. - - - {
 Estate Exchange, The - {
 Everest, Lady - - - {
 Farmers' Club, The - - {
 Field, Editor of the - - {
 Holes, J. - - - {
 Humbert, C. F. - - - {
 Institution of Civil Engineers {

- Institution of Civil Engineers of Ireland } "Transactions." Vol. X.
- Institute of Mining Engineers } "Proceedings." Vol. XXIII.
- London and Middlesex Archaeological Society } "Transactions." Vol. IV. Part III.
- Michael, W. H. } "Treatise on the Law of Gas and Water Supply." By J. S. Will and W. H. Michael.
- Murton, W. } "History of the Weald of Kent." 3 vols. By R. Furley.
- Penfold, J. W. } "Geodætes Practicus; or, the Art of Surveying." By V. Wing.
 } "Geodesia Catenea; or, Surveying by the Chain only." By H. Wilson.
 } "Practical Measurer." 12th edition, 1790. By E. Hoppus.
 } "The New Complete Guide to the City of London, and parts adjacent, A.D. 1777."
 } "The Earth as Modified by Human Action." By G. P. Marsh.
 } "British Forest Trees." By P. J. Selby.
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- Ridley, G. } "The Duty and Office of a Land Steward," A.D. 1731. By E. Lawrence.
 } "Geodæsia; or, the Art of Surveying and Measuring of Land made easy," A.D. 1715. By J. Love.
 } "The Surveyor's Utmost Desire Fulfilled; or, the Art of Planometry, Longemetry, and Altemetry," A.D. 1727. By J. Douglas.
- Shopee, C. J. } "Journal." Vol. XXXVII Parts II. and III., and Index to Vols. XXVI. to XXXV.
- Statistical Society } "The Complete Court Keeper." By G. Jacobs.
- Vigers, F. }

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THE INSTITUTION DINNER.

THE Dinner of the Institution was held at the Albion Tavern, Aldersgate Street, on Monday, May 31st, 1875, the President (Mr. T. HUSKINSON) in the Chair. There was a large attendance of Members, Associates, and their friends. The cloth having been removed, and the usual loyal and patriotic toasts, (proposed in most felicitous terms by the President,) having been duly honoured,

Mr. J. H. LLOYD (Associate of Council),—who was greeted with loud cheers on rising to propose the toast of the evening, “Prosperity to the Institution of Surveyors,”—said he could not venture to believe that so much applause was directed to any merits which he might possess, assuming rather that it was given in anticipation of the toast which he felt such pleasure in proposing, and which could not fail to provoke a hearty acknowledgment from all present.

He had great difficulty in realizing the fact that seven years had passed since he was present and assisted at the preliminary meetings at which this promising progeny of Mr. JOHN CLUTTON’S was ushered into existence. He might be forgiven for referring to his own share in the work, for he could not consent to forego the credit of having taken some part in giving form to so lusty and vigorous a bantling.

From that day to this he had watched the career of the Institution with the warmest interest, and noted its success with the greatest pleasure, being convinced that it could not fail to be, what it had in no small degree already

shown itself to be, of the utmost value in raising the professional and social status of surveyors. He felt, moreover, that it would be a most useful medium for the interchange and diffusion of information upon subjects in which surveyors were interested. During the past year he had been prevented by circumstances to which he need not more particularly allude, from taking so active a part in the affairs of the Institution as he was desirous of taking, but during that period he had continued to read the *Transactions* with unabated interest, and had found in them a confirmation of the opinion which he had always entertained, that they were in all respects most creditable to the Institution, and worthy to take their place beside the published proceedings of any similar Society in London. To maintain their excellence, however, required an effort on the part of individual Members, whom he urged to place their knowledge unselfishly and ungrudgingly at the service of their professional brethren without jealousy or holding back. He looked with pride at the present position of the Institution, and with hope to its future, and that it might have a long course before it—he would not say of prosperity, but of continued prosperity—was his earnest wish and sanguine expectation.

Mr. H. SHIELD (Associate) proposed the health of the President, Past Presidents, and Council of the Institution. The toast, he observed, was certainly a comprehensive one, and he felt himself scarcely equal to the task of dealing with it as it deserved. He could only say that he was, personally, supremely satisfied with the Government which Providence had set over the Institution, so far, at any rate, as the President and Past Presidents were concerned, and if he hesitated to express the same sentiments with reference

to the Council, it was only from a suspicion that absenteeism must prevail if the attempt to combine, as in the case of one of their number, the discharge of eminent civil with arduous military avocations, was at all general among them. He trusted, however, that this was a baseless apprehension, and that his misgivings were groundless. He was pleased, and all present would share the feeling, to see their senior Past President (Mr. CLUTTON) among them that evening, and was glad to have an opportunity of offering his own tribute of admiration of a career which had earned him such general and well-deserved esteem.

The PRESIDENT, after expressing his acknowledgments of the toast, said that his work during the year of office which had just expired had been for him a labour of love. When he first entered upon his duties he was oppressed with misgivings as to his powers of duly discharging them, but so cordial had been the support accorded him by the Council, and so generous the forbearance extended by Members, that the task had been lightened beyond his expectations. So far as he might venture to do so he begged, on behalf of the absent Past Presidents, to express their hearty appreciation of the toast which, had they been present, they would themselves have so gratefully acknowledged.

Mr. E. P. SQUAREY (Member of Council) said that, although the task had been allotted him of returning thanks for the toast proposed by Mr. SHIELD, he had preferred to allow the President to respond for himself in his own graceful and appropriate way.

If he might be allowed to add a word to what had fallen from Mr. SHIELD, he might observe that the Past

Presidents were entitled to the respect of the Institution, remitted as they were, after the toils of office, to a serene atmosphere, where they could watch over the interests of the Society, and aid the Council in circumstances of difficulty with their advice and the fruits of their matured experience.

So far as the Council were concerned he only hoped that all his colleagues might be able to plead such sound and patriotic excuses for any laches of absenteeism, when they occurred, as the gentlemen suspected by Mr. SHIELD as a possible defaulter in this respect.

Mr. JOHN CLUTTON (Past President) rose with pleasure to propose the health of the Chairman, a toast which he was sure would meet with hearty approval. Mr. HUSKINSON had taken a deep interest in the Institution from its earliest days, and, following the example of his predecessors, had done his utmost to promote its success. It must, however, be remembered that, much as its Presidents could do for the Society, it rested mainly with the younger Members to make it an agency of good to the profession at large. He and the other senior Members of the Institution were, in a sense, past their day, but so long as he was spared he would do his utmost to further its interests and assist in the realization of what he always hoped and believed the Institution would ultimately attain to.

Before the Institution was founded there existed a general feeling that the surveyor did not hold the position which was due to the nature of his attainments and the importance of the interests confided to his care. Every other professional body had its representative centre, and the absence of such an organization among surveyors was felt to be an absolute reproach. Well, the Institution had

been successfully founded, and what had been the result? He had no hesitation in asserting that surveyors had found themselves, collectively and individually, strengthened by its establishment, and would benefit, both socially and professionally, by the importance as a public body, to which it was rapidly attaining.

As he had already said, much, though not all, of the prosperity of this and kindred Societies depended upon the character of its Presidents, and the Institution had been fortunate in having at its head, during the past year, a gentleman like Mr. HUSKINSON, who brought so much earnestness, and such varied and conspicuous ability, to the discharge of his duties, and every Member must feel that the Society had benefitted greatly by the high tone which he had, on all occasions, infused into its proceedings.

It should be remembered that Mr. HUSKINSON resided 200 miles from London, notwithstanding which he had seldom been absent from the Meetings, and it was no disparagement of the services of other Members of the Council to say that he gave more attention to the affairs of the Institution than many who lived in London. He need hardly say that, to do so, involved a great sacrifice both of time and convenience, and deserved the warmest acknowledgments of the Members.

The PRESIDENT hardly knew whether to ascribe the kind reception given to the toast to the genial circumstances of the occasion, or to the generous words used by Mr. CLUTTON with reference to his endeavour to discharge the duties which Members had so kindly allotted to him. Of the honour of being their President he was deeply sensible, and felt that no sacrifice of time, or convenience, could be too great to mark his appreciation of that honour.

Passing from personal to general matters he might,

perhaps, be permitted to refer to a few facts indicating the present prosperity of the Institution and auguring well for its future. Established only seven years ago it might be said to have long since safely passed through the critical period of infancy, and to have attained a sound and vigorous maturity. Its mere numerical increase in Members and Associates—amounting, as they now did, to nearly 400—had been, in itself, surprisingly rapid; nor was its financial position less satisfactory, being such as to enable the Council to clear off the whole of the external debt incurred in carrying out the recent extensive alterations in the Society's premises. He believed that no Institution in London was better housed or more fully provided with every arrangement to meet its special necessities. Nor was it only in what, for the sake of distinction, he might call material things, that the prosperity of the Institution was displayed. The seven volumes of *Transactions*, of which they could now boast, contained a mass of information not to be surpassed for practical utility, and scarcely for literary form, by the publications of any other Society, and this alone was no inconsiderable return for the support which Members had given the Society, and formed its best credentials. The mere social advantages resulting from the existence of the Institution were of a kind not to be undervalued, and evidences of the rise of the profession in public estimation were becoming more and more frequent. As a proof of this he might mention that the Society had been honoured in his person by several invitations, during the past year, to the hospitable gatherings where the representatives of older bodies had, hitherto, been the exclusive guests. This was, in itself, a small matter, but afforded some confirmation of his statements relative to the growing importance of the Institution.

With the hearty co-operation of the younger Members,

and with the superior advantages over the older men which they enjoyed, there was no reason why the future of the Society should not be even more prosperous and abundantly successful than the past had been.

Mr. E. WOODTHORPE (Member) having proposed, in a humorous speech, the health of the Visitors, and Mr. T. S. WOOLLEY that of the Secretaries, both of which toasts were suitably acknowledged, the party broke up.

INSTITUTION OF SURVEYORS.

List of Members, June 1st, 1875, with Council for Session 1875-76.

Honorary Members.

BEDFORD, HIS GRACE THE DUKE OF	81 & 82, Eaton Square, S.W.
CAIRD, JAMES, C.B. {	Tithe and Inclosure Commission Office, St. James's Square.
GORE, CHARLES ALEXANDER, The	
HONORABLE	Office of Woods, &c., 1, Whitehall Place.
HOWARD, JAMES KENNETH, The	
HONORABLE	Office of Woods, &c., 1, Whitehall Place.
LEACH, GEORGE ARCHIBALD, } LIEUT.-COLONEL	Tithe and Inclosure Commission Office, St. James's Square.
RIDLEY, GEORGE {	Tithe and Inclosure Commission Office, St. James's Square.

Members.

ABBOTT, THOMAS	22, Savile Row, W.
ADAMS, CHARLES FREDERICK	Barkway, Herts.
APPERLEY, WILLIAM HAVARD	Hereford.
ARDING, CHARLES BENNETT	23, Bedford Row, W.C.
ARNOLD, GEORGE	Dolton, North Devon.
BARRY, CHARLES	1, Westminster Chambers, Victoria Street, S.W.
BEADEL, FREDERICK	25, Gresham Street, E.C.
BEADEL, WILLIAM JAMES	25, Gresham Street, E.C.
<i>(Member of Council)</i>	
BEAUMONT, GEORGE, JUN.	East Bridgford, near Nottingham.
BEESTON, FREDERICK	16, Walbrook, E.C.
BENNETT, THOMAS OATLEY	Bruton, Somerset.
BEWICK, THOMAS JOHN	4, Broad Sanctuary, S.W.
BIDWELL, CHARLES	Ely, Cambridgeshire.
BINGHAM, REUBEN	5, Bolton Street, Piccadilly.
BINNIE, THOMAS	152, West George Street, Glasgow.
BIRD, JAMES BINFIELD	West Cowes, Isle of Wight.
BLACKADDER, ROBERT	Dundee, Forfarshire.
BLOUNT, WILLIAM	Orchehill House, Gerard's Cross, Bucks.
BOLAM, CHARLES GODFREY	Savernake Forest, Wiltshire.
BOLAM, HARRY GEORGE	Ingestre, Stafford.
BOND, ERASMUS	23, Bedford Row, W.C.
BONNY, JAMES RIPPOTH	47, Old Broad Street, E.C.

MEMBERS.

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BRAVENDER, JOHN	Cirencester, Gloucestershire.
BROADERIDGE, JAMES	1, Stanhope Terrace, Kensington, W.
BROOK, JAMES	{ 28, John William Street; and Spring Wood, New Mill, Huddersfield.
BROUGHTON, JOHN	South Shields, Durham.
BROWN, DANIEL JOHNSON	61, Lincoln's Inn Fields, W.C.
BROWN, GEORGE	Roborough House, Barnstaple, Devonshire.
BROWN, JOHN	Rose Hill, Chesterfield.
BROWN, THOMAS FORSTER	Guildhall Chambers, Cardiff.
BROWN, WILLIAM	Tring, Herts.
BRYANT, ARTHUR JOHN	3, Old Palace Yard, Westminster, S.W.
BUCHAN, THOMAS	24, Bank Street, Dundee.
BUCK, ALBERT	Worcester.
BUCKLAND, FRANK BOWRY	Windsor.
BUCKLAND, VIRGOE	66, Cannon Street, E.C.
<i>(Member of Council)</i>	
BURNELL, EDWARD HENRY	32, Bedford Row, W.C.
BURROUGHS, THOMAS HENRY	Ketton, Rutlandshire.
BUTLER, ARTHUR	7, Staple Inn, W.C.
BUZZARD, ALFRED LINDSEY	Surrey Chambers, 172, Strand, W.C.
CADLE, CLEMENT	{ Clarence Street, Gloucester; and 52, Chancery Lane, W.C.
CASTLE, HENRY JAMES, SEN.	5, Chancery Lane, W.C.
CASTLE, ROBERT	Merton Street, Oxford.
CASTLE, WILLIAM HENRY BALDWIN	5, Chancery Lane, W.C.
CATES, ARTHUR	7, Whitehall Yard, S.W.
CAVE, HENRY H.	Brigg, Lincolnshire.
CHANCELLOR, FREDERICK	Chelmsford, Essex; and 8, Finsbury Circus, E.C.
CHAPMAN, GEORGE	14, Cockspur Street, S.W.
CHAPMAN, THOMAS	14, Cockspur Street, S.W.
CHEFFINS, CHARLES RICHARD	23, Abingdon Street, S.W.
CHINNOCK, FREDERICK GEORGE	11, Waterloo Place, S.W.
CLARK, FREDERICK JAMES	5, Lancaster Place, W.C.
CLARKE, THOMAS-CHATFEILD	63, Bishopsgate Street Within, E.C.
<i>(Member of Council)</i>	
CLIFTON, EDWARD NORTON	7, East India Avenue, E.C.
<i>(Past President)</i>	
CLUTTON, HENRY	9, Whitehall Place, S.W.
CLUTTON, JOHN	9, Whitehall Place, S.W.
<i>(Past President)</i>	
CLUTTON, JOHN HENRY	9, Whitehall Place, S.W.
CLUTTON, RALPH	9, Whitehall Place, S.W.
CLUTTON, ROBERT	Hartswood, Reigate, Surrey.
CLUTTON, ROBERT GEORGE	9, Whitehall Place, S.W.
CLUTTON, WILLIAM JAMES	The Mount, York.

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COLLIER, JOHN	Salter's Hall, St. Swithin's Lane, E.C.
COLLINS, HENRY HYMAN	5, Queen Street, E.C.
COMELY, JOHN GILL	Winchester, Hants.
COOKE, CHARLES HENRY	11, John Street, Bedford Row, W.C.
COUCHMAN, CHARLES	6, Waterloo Street, Birmingham.
CRAWTER, HENRY	5, Bedford Row, W.C.
<i>(Member of Council)</i>	
CRAWTER, JOHN	Cheshunt, Herts.
CRICKMAY, GEORGE RACKSTROW	St. Thomas Street, Weymouth.
CRONK, EDWYN EVANS	Sevenoaks, Kent.
CROSS, WILLIAM STEPHENS	53, Charing Cross, S.W.
CURREY, HENRY	37, Norfolk Street, W.C.
DAVID, EDWARD	Llandaff, Glamorganshire.
DAVIDS, CHARLES HENRY	Banbury, Oxfordshire.
DAVIES, JOHN MORGAN	Froodvale, Llandilo, Carmarthenshire.
DENT, JOHN	34, Great James Street, W.C.
DENTON, JOHN BAILEY	22, Whitehall Place, S.W.
DOWNES, HENRY	Basingstoke, Hants.
DREW, HENRY	Exeter.
DREW, JOHN	{ 9, Queen Street, Exeter ; and Powderham Castle, near Exeter.
DRIVER, ROBERT COLLIER	4, Whitehall, S.W.
<i>(Member of Council)</i>	
DUNCH, CHARLES	{ District Board Offices, White House, Commercial Road, E.
DUNLOP, ALEXANDER MILNE	3, Old Palace Yard, Westminster, S.W.
DYMOND, FRANCIS WILLIAMS	Exeter.
EASTON, WILLIAM	6, Hammer Street, Taunton, Somersetshire.
EILOART, FERDINAND GOZNA	40, Chancery Lane, W.C.
ELLIS, JOHN	Artington, Guildford, Surrey.
ELLIS, JOHN WHITTAKER	18, Old Broad Street, E.C.
EMMANUEL, BARROW	2, Finsbury Circus, E.C.
EVE, WILLIAM	10, Union Court, Old Broad Street, E.C.
EVES, GEORGE	Uxbridge, Middlesex.
FELTON, GEORGE	Llandudno, Carnarvon.
FIELD, FRANCIS HAYWARD	Merton Street, Oxford.
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MEMBERS.

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GOUTHWAITE, RICHARD	Lumby, near South Milford, Yorkshire.
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GREY, CHARLES GREY	55, Parliament Street, Westminster, S.W.
HADDOCK, ROLAND	21, High Street, Croydon, Surrey.
HALL, RICHARD	37, Great George Street, S.W.
(Past President)	
HALL, RICHARD, JUN.	37, Great George Street, S.W.
HALL, ROBERT WRIGHT	37, Great George Street, S.W.
HARDING, JOSEPH	49, Lune Street, Preston.
HART, WILLIAM FREDERICK . . .	16A, King's Road, Bedford Row, W.C.
HARVEY, JOHN	6, Victoria Place, Haverfordwest, Pembrokeshire.
HARVEY, RICHARD HART	6, Victoria Place, Haverfordwest, Pembrokeshire.
HASLAM, DRYLAND	17, Friar Street, Reading.
HAYWOOD, WILLIAM	Guildhall, London, E.C.
HEDLEY, THOMAS FENWICK . . .	Sunderland.
HILLIARD, GEORGE BRIDGE . . .	Chelmsford, Essex.
HIPPISLEY, EDWIN	Chamberlain Street, Wells, Somersetshire.
HOLDEN, ISAAC	64, Cross Street, Manchester.
HOLDEN, JOHN	64, Cross Street, Manchester.
HORSEY, THOMAS	11, Billiter Square, E.C.
HORSFALL, RICHARD	Halifax, Yorkshire.
HORWOOD, JAMES	10, Paternoster Row, E.C.
HUDSON, WILLIAM	19, Bennet's Hill, E.C.
HUMBERT, CHARLES F.	Watford, Herts.
HUMPHREYS, CHARLES	61, Leadenhall Street, E.C.
HUNT, HENRY ARTHUR, C.B. . . .	45, Parliament Street, Westminster, S.W.
HUNT, HENRY ARTHUR, JUN. . . .	3, Victoria Street, Westminster, S.W.
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KNOLLYS, JAMES EDWARD . . .	Fitzhead Court, Taunton, Somerset.
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LAMBERT, WILLIAM	4, New Basinghall Street, E.C.
LAURANCE, JOHN, JUN.	Warmington, near Oundle, Northants.
LAVENDER, JOSEPH	26, Bedford Row, W.C.
LEE, CHARLES	3, Whitehall Place, S.W.
LEE, FREDERICK	{ 6, Great College Street, Westminster, S.W.; and Queen's Road, Kingston Hill.
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MANN, ROBERT WILKS	7, Hobart Place, S.W.; and White Hall, Hayes.
MARR, JAMES	8, Adam Street, Adelphi, W.C.
MARTIN, HOWARD	145, High St., Croydon; & The Ferns, E. Croydon.
MARTIN, JAMES	Wainfleet, Boston, Lincolnshire.
MARTIN, SAMUEL DICKINSON . .	2, Beech Grove, Harrogate.
MASON, WILLIAM LUDLAM . . .	Louth, Lincolnshire.
MATHEWS, JEREMIAH	15, Waterloo Street, Birmingham.
(Vice-President)	
MATHEWS, WILLIAM, JUN.	15, Waterloo Street, Birmingham.
MENZIES, WILLIAM	Parkside, Staines, Middlesex.
MOORE, EDWARD WELLS	Coleshill, Highworth, Berks.
MURTON, WILLIAM	Tunstall, Sittingbourne, Kent.
NAYLOR, ARTHUR MILLINGTON .	3, Old Palace Yard, Westminster, S.W.
NEALE, CHARLES JAMES	High Oakham, Mansfield, Notts.
NEWMAN, FRANCIS	Ryde, Isle of Wight.
NICHOLS, DANIEL CUBITT	193, Gray's Inn Road.
NISBET, RALPH P.	Clarendon Chambers, 26 & 27 Villiers St., Strand.
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OAKLEY, CHRISTOPHER	10, Waterloo Place, S.W.
OAKLEY, JOHN	10, Waterloo Place, S.W.
(Vice-President)	
OWEN, THOMAS RULE	High Street, Haverfordwest, Pembrokeshire.

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PARSONS, HENRY	Haslebury Plucknett, Crewkerne, Somerset.
PAXTON, JONAS	Bicester.
PENFOLD, JOHN WORNHAM	17, Parliament Street, Westminster, S.W.
<i>(Honorary Secretary)</i>	
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POUNDLEY, JOHN EDWARD	Black Hall, Kerry, Montgomeryshire.
PRICKETT, GEORGE	62, Chancery Lane, W.C.
PRICKETT, WALTER BELLSON	62, Chancery Lane, W.C.
PYNE, JOHN	Canford Manor, Wimborne, Dorset.
RAWLENCE, GEORGE	Salisbury, Wilts.
RAWLENCE, JAMES	Salisbury, Wilts.
RAYNBIRD, HUGH EDWARD	Basingstoke, Hants.
RICKMAN, THOMAS MILLER	8, Montague Street, Russell Square, W.C.
RIGDEN, RICHARD HENRY	The Close, Salisbury, Wilts.
ROBERTS, RICHARD	25, Laurence Pountney Lane, E.C.
ROBINS, EDWARD COOKWORTHY	16, Southampton Street, Strand, W.C.
ROBSON, EDWARD ROBERT	{ 20, Great George Street, Westminster; and 6, St. Germain's Place, Blackheath, S.E.
ROSSER, WILLIAM	Llanelly, Carmarthen.
RUSHWORTH, EDMUND	22, Savile Row, W.
RYDE, EDWARD	17, Parliament Street, Westminster, S.W.
<i>(Member of Council)</i>	
SANDAY, GEORGE HENRY	Wensley House, Bedale, Yorkshire.
SAUNDERS, CECIL GEORGE	21, Parliament Street, S.W.
SAUNDERS, EDWARD	6, Bishopsgate Street Without, E.C.
SAVILL, ALFRED	3, St. Helen's Place, E.C.; and Chigwell, Essex.
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<i>(Vice-President)</i>	
SMITH, FREDERICK	Blackburn.
SMITH, THOMAS TAYLER	33, Bloomsbury Square, W.C.
SNOOKE, WILLIAM	6, Duke Street, London Bridge, S.E.
SOUTHWELL, CHARLES JOSIAH	9, Whitehall Place, S.W.
SPACKMAN, HENRY	6, Terrace Walks, Bath.

MEMBERS.

SQUAREY, ELIAS PITTS	{ 22, Great George Street, S.W.; and The Moot, Downton, Salisbury.
(Member of Council)	
ST. QUINTIN, PERRY	27, Royal Exchange, E.C.
STANLEY, HENRY	Bury St. Edmund's, Suffolk.
STATTER, THOMAS	Standhill, Whitefield, Manchester.
STEPHENSON, CHARLES	45, Parliament Street, Westminster, S.W.
(Member of Council)	
STEWART, HERBERT THOMAS	3, Victoria Street, S.W.
STURGE, ROBERT FOWLER	34, Corn Street, Bristol.
STURGE, WILLIAM	34, Corn Street, Bristol.
(Vice-President)	
SWORDER, GEORGE EDWARD	Bishop's Stortford, Herts.
SWORDER, WILLIAM	Stapleford Tawney Hall, near Romford, Essex.
TAYLOR, GEORGE JAMES	6, Furnival's Inn, E.C.
THOMAS, JOHN EDMUND	Hereford House, Ely Road, near Cardiff.
THOMAS, JOSIAH	Athenæum Chambers, Nicholas Street, Bristol.
THYNNE, EDWARD LEWIS	11, Great George Street, S.W.
THYNNE, FREDERICK GEORGE	11, Great George Street, S.W.
TOLLEY, JAMES	13, Angel Court, Bank, E.C.
TONER, JOHN	4, Gray's Inn Square, W.C.
TRIST, GEORGE	62, Old Broad Street, E.C.
TROLLOPE, CHARLES BROWN	13, Parliament Street, Westminster, S.W.
TRUMPER, RICHARD	23, Lincoln's Inn Fields, W.C.
TUCKETT, PHILIP DEBELL	10A, Old Broad Street, E.C.
TURNER, WILLIAM	Ipswich, Suffolk.
VIGERS, EDWARD, JUN.	15, Parliament Street, Westminster, S.W.
VIGERS, FRANCIS	4, Frederick's Place, E.C.
(Member of Council)	
VIGERS, ROBERT	4, Frederick's Place, E.C.
VULLIAMY, GEORGE	{ Metropolitan Board of Works, Spring Gardens, S.W.
WALLEN, JOHN	155, Leadenhall Street, E.C.
WARING, THOMAS	21, Queen Street, Cardiff.
WARNER, WILLIAM HENRY	99, Mount Street, Grosvenor Square, W.
WATNEY, DANIEL	62, Old Broad Street, E.C.
(Member of Council)	
WEALL, JOHN, JUN.	Rugby House, Pinner, Middlesex.
WEBB, GEORGE	Tunstall, Sittingbourne, Kent.
WESTBURY, GILES	Andover, Hants.
WHEELER, THOMAS	Surbiton Hill, S.W.
WHICHCORD, JOHN	12, Queen Victoria Street, Mansion House, E.C.
WIDNELL, FREDERICK GRAINGER	13, Parliament Street, Westminster, S.W.
WILLIAMS, GEORGE BARNES	Frederick's Place, E.C.

MEMBERS.—ASSOCIATES.

WILLIAMS, STEPHEN WILLIAM	Rhayader, Radnorshire.
WILLMOT, FRANCIS	33, Waterloo Street, Birmingham.
WIMBLE, JOHN	10, Queen Victoria Street, Mansion House, E.C.
WITHALL, RICHARD AUGUSTUS	4, Westminster Chambers, Victoria Street, S.W.
WOOD, EDMUND FOWLE	Chepstow, Monmouthshire.
WOOD, FREDERICK	Albert House, Rugby, Warwickshire.
WOOD, WILLIAM BRYAN	Chippenham, Wilts.
WOODCOCK, RICHARD	20, Darlington Street, Wolverhampton.
WOODHOUSE, JOHN THOMAS	Midland Road, Derby.
WOODTHORPE, EDMUND	2, Coleman Street Buildings, Moorgate St., E.C.
WOOLLEY, THOMAS SMITH	South Collingham, Newark, Notts.
<i>(Member of Council)</i>	
WRIGHT, WILLIAM EDWARD	King's Lynn, Norfolk.
WRIGHT, WILLIAM	Wollaton, Nottinghamshire.

Associates.

BADCOCK, PHILIP	{ 9, Whitehall Place; and 4, Aldridge Road, Westbourne Park, W.
BARRY, JOHN WOLFE	23, Delahay Street, Westminster, S.W.
BEAUCHAMP, CHARLES DAVIE	9, Whitehall Place, S.W.
BIDDER, GEORGE PARKER, JUN., Q.C.	{ 3, Paper Buildings, Temple.
BIDWELL, SHELFORD	Ely, Cambridgeshire.
BIRCH, ROBERT WILLIAM } PEREGRINE	{ 5, Westminster Chambers, S.W.
BLAKEWAY, JOHN	25, Gresham Street, E.C.
BRAMWELL, FREDERICK JOSEPH	37, Great George Street, Westminster, S.W.
CARDALL, FREDERIC WILLIAM	9, Whitehall Place, S.W.
CARLISLE, WILLIAM THOMAS	8, New Square, Lincoln's Inn, W.C.
CARRITT, ERNEST	16, Basinghall Street, E.C.
CASTLE, EDWARD JAMES	4, Brick Court, Temple.
CATLING, ROBERT CHARLES	Needham Hall, Elm, Cambridgeshire.
CHANDLER, GEORGE ALFRED	36, Poultry, E.C.; and Godalming, Surrey.
CLUTTON, RALPH WILLIAM	Hartwood, Reigate, Surrey.
COOKE, WILLIAM GEORGE	6, Grove Terrace, Hammersmith.
COXWELL, JOHN EDWARD	6, Martin's Lane, E.C.
CRAWLEY, WILLIAM JEEVES	10, Waterloo Place, Pall Mall.
CRUSE, EDMUND	Warminster, Wiltshire.
DALE, JOHN	16, Whitehall Place, S.W.
DASHWOOD, FREDERICK LOFTUS	Kirtlington, Oxford.
DAVISON, THOMAS JOHN ROBERT	Bedford Office, Montague Street, W.C.
DEAN, HENRY	Southam, Rugby, Warwickshire.

ASSOCIATES.

DODGSON, WILFRED LONGLEY	Burwarton, Bridgnorth.
DOWDEN, HENRY JOSEPH	4, Whitehall, S.W.
EASTON, EDWARD	23, Duke Street, Westminster, S.W.
EDWARDS, JOHN	1, Harcourt Buildings, Temple.
ELWIN, GEORGE HARVEY	{ London and South Western Railway Terminus, Waterloo Road; & 3, Vine Terr., York Rd., S.E.
EVANS, ERNEST WILLIAM	33, High Street, Shrewsbury.
FAWCETT, JAMES POGUE	5, Lancaster Place, W.C.
FOWLER, JOHN	2, Queen Square Place, S.W.
GARRARD, ARTHUR	17, Finsbury Square, E.C.
GEPP, THOMAS MORGAN	Chelmsford, Essex.
GOLDNEY, GABRIEL PRIOR	3, Essex Court, Temple, W.C.
GORE, SPENCER W.	16, Whitehall Place, S.W.
GRANTHAM, RICHARD BOXALL	22, Whitehall Place, S.W.
<i>(Associate of Council)</i>	
GRANTHAM, RICHARD FUGE	22, Whitehall Place, S.W.
HILL, ALEXANDER STAVELEY, } Q.C., M.P., &c., &c	{ 3, Garden Court, Temple; and Oxley Manor, Stafford.
HOLLWAY JOHN GEORGE	Lamb Building, Temple, W.C.
HOPE, WILLIAM	{ Parsloes, Barking, Essex; and 38, Nicholas Lane, E.C.
HORSLEY, RICHARD	Gresham Buildings, Basinghall Street, E.C.
HUBBERSTY, HENRY ALFRED	Buxton, Derbyshire.
INGRAM, WALTER FEILDE	25, Gresham Street, E.C.
JOHNSTON, ANDREW	25, Gresham Street, E.C.
JONAS, HENRY	4, Whitehall, S.W.
KEELE, EDWARD RUSHWORTH	5, Frederick's Place, Old Jewry, E.C.
KING, WILLIAM	Gas Office, Duke Street, Liverpool.
LEDGARD, FREDERICK THOMAS } DURELL	{ 4, Elm Court, Temple, W.C.
LEE, CHARLES WILLIAMS	3, Whitehall Place, S.W.
LERMIT, ALFRED WILLIAM	63, Bessborough Street, S.W.
LITTLER, RALPH DANIEL MAKIN- SON, Q.C.	{ 1, Plowden Buildings, Temple, W.C.
LLOYD, JOHN HORATIO	{ 100, Lancaster Gate, W.; and King's Bench Walk, Temple.
<i>(Associate of Council)</i>	
LOTT, JOSEPH	12, Great George Street, S.W.
LOW, ALBERT	3, St. Helen's Place, E.C.

ASSOCIATES.

MARRIOTT, WILLIAM THACKERAY .	6, Crown Office Row, Temple, W.C.
MICHAEL, WILLIAM HENRY . .	4, King's Bench Walk, Temple, E.C.
NASH, ALFRED JAMES. . . .	Farnham, Surrey.
NEWMAN, GEORGE GUNNELL .	75, Cornhill, E.C.
NIXON, SAMUEL	17, Parliament Street, Westminster, S.W.
PAYNE, WILLIAM PERCY. . . .	Midland Railway Station, Derby.
PAYNE, WILLIAM SETH ROBERT.	141, Fenchurch Street, E.C.
PETRE, HENRY WILLIAM, THE HON.	Springfield, Chelmsford, Essex.
PHILBRICK, FREDERICK ADOLPHUS, } Q.C.	Lamb Building, Temple.
PLEDGER, JOSEPH AUGUSTUS .	10, Waterloo Place, S.W.
POWELL, REGINALD HENRY . .	Lewes, Sussex.
QUICK, JOSEPH, JUN.	{ 29, Great George Street, S.W.; and Sumner Street, Southwark, S.E.
REES, JOHN CHARLES	13, Great George Street, S.W.
REX, WILLIAM	11, Waterloo Place, S.W.
ROBERTS, CHARLES GAY . . .	School of Agriculture, Guelph, Ontario.
ROGERS, ARUNDEL	1, Paper Buildings, Temple.
ROGERS, SYDNEY JAMES . . .	7, Westminster Chambers, S.W.
ROLLESTON, JOHN FOWKE } LANCELOT	Grey Friars, Leicester.
RUSHWORTH, EDMUND WALTER .	22, Savile Row, W.
SHIELD, HUGH.	3, King's Bench Walk, Temple.
SMALLPEICE, GEORGE MOLINEUX	9, Whitehall Place, S.W.
SMITH, CHARLES JOHN	16, Whitehall Place, S.W.
SMITH, HENRY HERBERT . . .	4, Whitehall, S.W.
SMITH, HERBERT EDMUND . . .	Darlington, Durham.
SMITH, WILLIAM BINNS	Tavistock Chambers, Covent Garden.
SMYTH, EDWARD	{ 9, Whitehall Place; and 8, Mostyn Terrace, North Brixton, S.W.
STRUTT, FREDERICK, THE HON.	88, Eaton Square; and Kingston, Notts.
TATHAM, GEORGE HENRY . . .	27, Southampton Buildings, Chancery Lane, W.C.
TAYLOR, GEORGE	{ Tithe and Inclosure Commission Office, St. James's Square.
TAYLOR, JOHN.	Earsdon, Northumberland.
THOMPSON, CHARLES WILLIAM .	Vacant Lands' Office, Guildhall, E.C.
TOLMÉ, JULIAN HORN	1, Victoria Street, Westminster, S.W.
TREVELYAN, HARINGTON ASTLEY, } COL.	7, Ormonde Terrace, Regent's Park; and 6, Water- loo Place, S.W.
TROLLOPE, GEORGE FRANCIS . .	15, Parliament Street, Westminster, S.W.

ASSOCIATES.—STUDENTS.

USILL, GEORGE WILLIAM . . .	3, Great Queen Street, Westminster, S.W.
VENABLES, FREDERICK . . .	Hadley, Barnet.
VULLIAMY, HENRY . . .	17, Moorgate Street, E.C.
WARNER, JOSEPH HENRY . . .	1, Cadogan Place, S.W.
WHITE, FREDERICK MEADOWS . . .	4, Paper Buildings, Temple.
WHITE, THOMAS JENNINGS . . .	8, Whitehall Place, S.W.
WIGRAM, JOHN . . .	South Collingham, Newark, Notts.
WILLIAMS, LEONARD JAMES. . .	6, Furnival's Inn, E.C.
WILLIAMS, RICHARD PRICE . . .	9, Great George Street, S.W.
WILSON, WILLIAM . . .	37, Great George Street, S.W.
WING, THOMAS TWINING . . .	17, Woburn Square, W.C.
WINCKWORTH, LEWIS . . .	31, Abingdon Street, Westminster, S.W.
WOOLLEY, WILLIAM EDWARD. . .	Loughborough, Leicestershire.

Students.

BUSHEY, GEORGE, JUN. . . .	Lewes, Sussex.
CLAYDEN, WALTER	6, Queen's Terrace, Ilford, Essex.
DRIVER, CHARLES WILLIAM . . .	4, Whitehall, S.W.
DRIVER, ROBERT MANNING . . .	Melrose House, Cromwell Rd., S. Kensington, S.W.
LLOYD, GEORGE	Rhayader, Radnorshire.
NEVE, THOMAS	Sissinghurst, Staplehurst, Kent.
RICHARDSON, JOHN JAMES . . .	{ 5, Gladstone Terrace, Bligh Street, Sydney, New South Wales.
RYDE, ARTHUR LYON. . . .	17, Parliament Street, S.W.
SMITH, GEORGE CECIL	16, Whitehall Place, S.W.
THOMSON, JAMES ALFRED . . .	The Nurseries, Wimbledon.
VIGERS, LESLIE ROBERT . . .	4, Frederick's Place, Old Jewry, E.C.

Members and Associates are particularly requested to communicate any changes of address to the Secretary, in order to obviate delay in the transmission of the Papers, &c., to which they are entitled.



